

**As Passed by the Senate**

**122nd General Assembly**

**Regular Session**

**1997-1998**

**Am. Sub. H. B. No. 850**

**Representatives Johnson, Sykes, Perz, O'Brien, Womer Benjamin, Thomas,  
Tavares, Prentiss, Mottley, Vesper, Mead, Mallory, Metzger, Miller, Verich,  
Corbin, Wilson, Boyd, Opfer, Roberts, Stapleton, Hartley  
Senators White, Kearns, Drake, Latell, Ray, Finan, Mumper, B. Johnson,  
Gardner, Howard**

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**A B I L L**

To amend sections 111.15, 119.01, 123.15, 125.023, 1  
125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 2  
133.04, 133.06, 153.01, 153.04, 153.05, 153.06, 3  
153.07, 153.08, 153.09, 153.10, 153.11, 153.12, 4  
153.17, 153.32, 153.33, 153.34, 153.50, 153.571, 5  
153.62, 351.01, 351.03, 351.141, 3301.0716, 6  
3304.16, 3315.01, 3316.03, 3317.0212, 3317.03, 7  
3318.03, 3318.04, 3318.12, 3318.15, 3318.25, 8  
3345.50, 3379.10, 4141.13, 5119.16, and 5739.024; 9  
to amend, for the purpose of adopting a new 10  
section number as indicated in parentheses, 11  
section 125.101 (153.16); to enact sections 12  
113.40, 121.372, 126.15, 3318.11, and 5120.135; 13  
and to repeal section 3345.51 of the Revised Code 14  
and to amend Sections 20, 29, 40, and 112 of Am. 15  
Sub. H.B. 215 of the 122nd General Assembly; to 16  
amend Section 50.06 of Am. Sub. H.B. 215 of the 17  
122nd General Assembly, as amended by Am. Sub. 18  
H.B. 182, Am. Sub. H.B. 650, and Am. Sub. H.B. 770 19  
of the 122nd General Assembly; to amend Section 20

50.08 of Am. Sub. H.B. 215 of the 122nd General 21  
Assembly, as amended by Am. Sub. H.B. 650 of the 22  
122nd General Assembly; to amend Section 190 of 23  
Am. Sub. H.B. 215 of the 122nd General Assembly, 24  
as amended by Am. Sub. H.B. 770 of the 122nd 25  
General Assembly; to amend Section 18 of Am. Sub. 26  
H.B. 650 of the 122nd General Assembly, as amended 27  
by Am. Sub. H.B. 770 of the 122nd General 28  
Assembly; to amend Section 19 of Am. Sub. H.B. 650 29  
of the 122nd General Assembly; to amend Sections 30  
7, 10, 11, 21.12, 25, and 30.21 of Am. Sub. S.B. 31  
230 of the 122nd General Assembly; and to repeal 32  
Section 140 of Am. Sub. H.B. 215 of the 122nd 33  
General Assembly to make capital appropriations 34  
for the biennium ending June 30, 2000; and to 35  
provide authorization and conditions for the 36  
operation of state programs. 37

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 111.15, 119.01, 123.15, 125.023, 38  
125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 133.04, 133.06, 39  
153.01, 153.04, 153.05, 153.06, 153.07, 153.08, 153.09, 153.10, 40  
153.11, 153.12, 153.17, 153.32, 153.33, 153.34, 153.50, 153.571, 41  
153.62, 351.01, 351.03, 351.141, 3301.0716, 3304.16, 3315.01, 42  
3316.03, 3317.0212, 3317.03, 3318.03, 3318.04, 3318.12, 3318.15, 43  
3318.25, 3345.50, 3379.10, 4141.13, 5119.16, and 5739.024 be 44  
amended; section 125.101 (153.16) be amended for the purpose of 45  
adopting a new section number as indicated in parentheses; and 46  
sections 113.40, 121.372, 126.15, 3318.11, and 5120.135 of the 47  
Revised Code be enacted to read as follows: 48

**Sec. 111.15.** (A) As used in this section: 49

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119., section 4141.14, division (C)(1) or (2) of section 5117.02, or section 5703.14 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(4) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) Two certified copies of the rule shall be filed with both the secretary of state and the director of the legislative service commission;

(b) Two certified copies of the rule shall be filed with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.032 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all copies are not filed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is made. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or (8) of this section.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. Copies of the emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed as follows: two certified copies of the emergency rule shall be filed with both the secretary of state and the

director of the legislative service commission, and one certified  
copy of the emergency rule shall be filed with the joint committee  
on agency rule review. The emergency rule is effective immediately  
upon the latest filing, except that if the agency in adopting the  
emergency rule designates an effective date, or date and time of  
day, that is later than the effective date and time provided for  
by division (B)(2) of this section, the emergency rule if filed as  
required by such division shall become effective at the later  
date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the ninetieth  
day it is in effect. Prior to that date, the agency may file the  
emergency rule as a nonemergency rule in compliance with division  
(B)(1) of this section. The agency may not refile the emergency  
rule in compliance with division (B)(2) of this section so that,  
upon the emergency rule becoming invalid under such division, the  
emergency rule will continue in effect without interruption for  
another ninety-day period.

(3) An agency shall file a rule under division (B)(1) or (2)  
of this section in compliance with the following standards and  
procedures:

(a) The rule shall be numbered in accordance with the  
numbering system devised by the director for the Ohio  
administrative code.

(b) The rule shall be prepared and submitted in compliance  
with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to  
be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall  
clearly refer to the rule that is amended or rescinded. Each  
amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the 143  
director's designee gives an agency written notice pursuant to 144  
section 103.05 of the Revised Code that a rule filed by the agency 145  
is not in compliance with the rules of the legislative service 146  
commission, the agency shall within thirty days after receipt of 147  
the notice conform the rule to the rules of the commission as 148  
directed in the notice. 149

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 150  
of this section shall be recorded by the secretary of state and 151  
the director under the title of the agency adopting the rule and 152  
shall be numbered according to the numbering system devised by the 153  
director. The secretary of state and the director shall preserve 154  
the rules in an accessible manner. Each such rule shall be a 155  
public record open to public inspection and may be lent to any law 156  
publishing company that wishes to reproduce it. 157

(D) At least sixty days before a board, commission, 158  
department, division, or bureau of the government of the state 159  
files a rule under division (B)(1) of this section, it shall file 160  
two copies of the full text of the proposed rule with the joint 161  
committee on agency rule review, and the proposed rule is subject 162  
to legislative review and invalidation under division (I) of 163  
section 119.03 of the Revised Code. If a state board, commission, 164  
department, division, or bureau makes a substantive revision in a 165  
proposed rule after it is filed with the joint committee, the 166  
state board, commission, department, division, or bureau shall 167  
promptly file two copies of the full text of the proposed rule in 168  
its revised form with the joint committee. The latest version of a 169  
proposed rule as filed with the joint committee supersedes each 170  
earlier version of the text of the same proposed rule. Except as 171  
provided in division (F) of this section, a state board, 172  
commission, department, division, or bureau shall attach one copy 173  
of the rule summary and fiscal analysis prepared under section 174

121.24 or 127.18 of the Revised Code, or both, to each copy of a 175  
proposed rule, and to each copy of a proposed rule in revised 176  
form, that is filed under this division. 177

As used in this division, "commission" includes the public 178  
utilities commission when adopting rules under a federal or state 179  
statute. 180

This division does not apply to any of the following: 181

(1) A proposed rule of an emergency nature; 182

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 183  
1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 184  
4123.44, or 4123.442 of the Revised Code; 185

(3) A rule proposed by an agency other than a board, 186  
commission, department, division, or bureau of the government of 187  
the state; 188

(4) A proposed internal management rule of a board, 189  
commission, department, division, or bureau of the government of 190  
the state; 191

(5) Any proposed rule that must be adopted verbatim by an 192  
agency pursuant to federal law or rule, to become effective within 193  
sixty days of adoption, in order to continue the operation of a 194  
federally reimbursed program in this state, so long as the 195  
proposed rule contains both of the following: 196

(a) A statement that it is proposed for the purpose of 197  
complying with a federal law or rule; 198

(b) A citation to the federal law or rule that requires 199  
verbatim compliance. 200

(6) An initial rule proposed by the director of health to 201  
impose safety standards, quality-of-care standards, and 202  
quality-of-care data reporting requirements with respect to a 203  
health service specified in section 3702.11 of the Revised Code, 204

or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

(7) A rule of the state lottery commission pertaining to instant game rules.

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file one copy of the full text of the same proposed rule or proposed rule in revised form with the secretary of state and two copies thereof with the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall attach a copy of the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, to each copy of a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to attach a rule summary and fiscal analysis to any copy of a proposed rule, or proposed rule in revised form, that the auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall attach a copy of the rule summary and fiscal analysis to each copy of the original version of the proposed rule filed under division (D) or (E) of this section.

<u>Sec. 113.40. (A) As used in this section:</u>	237
(1) <u>"Financial transaction device" includes a credit card,</u>	238
<u>debit card, charge card, or prepaid or stored value card.</u>	239
(2) <u>"State expenses" includes fees, costs, taxes,</u>	240
<u>assessments, fines, penalties, payments, or any other expense a</u>	241
<u>person owes to a state office under the authority of a state</u>	242
<u>elected official or to a state entity.</u>	243
(3) <u>"State elected official" means the GOVERNOR, lieutenant</u>	244
<u>governor, attorney general, secretary of state, treasurer of</u>	245
<u>state, and auditor of state.</u>	246
(4) <u>"State entity" includes any state department, agency,</u>	247
<u>board, or commission that deposits funds into the state treasury.</u>	248
(B) <u>Notwithstanding any other section of the Revised Code and</u>	249
<u>subject to division (D) of this section, the board of deposit may</u>	250
<u>adopt a resolution authorizing the acceptance of payments by</u>	251
<u>financial transaction device to pay for state expenses. The</u>	252
<u>resolution shall include all of the following:</u>	253
(1) <u>A designation of those state elected officials and state</u>	254
<u>ENTITIES authorized to accept payments by financial transaction</u>	255
<u>device;</u>	256
(2) <u>A list of state expenses that may be paid by the use of a</u>	257
<u>financial transaction device;</u>	258
(3) <u>Specific identification of financial transaction devices</u>	259
<u>that a state elected official or state entity may authorize as</u>	260
<u>acceptable means of payment for state expenses. Division (B)(3) of</u>	261
<u>this section does not require that the same financial transaction</u>	262
<u>devices be accepted for the payment of different types of state</u>	263
<u>expenses.</u>	264
(4) <u>The amount, if any, authorized as a surcharge or</u>	265
<u>convenience fee under division (E) of this section for persons</u>	266

using a financial transaction device. Division (B)(4) of this 267  
section does not require that the same surcharges or convenience 268  
fees be applied to the payment of different types of state 269  
expenses. 270

(5) A specific REQUIREMENT, as provided in division (G) of 271  
this section, for the payment of a penalty if a payment made by 272  
means of a financial transaction device is returned or dishonored 273  
for any reason. 274

The board of deposit's resolution also shall designate the 275  
treasurer of state as the administrative agent to solicit 276  
proposals, within guidelines established by the board of deposit 277  
in the resolution and in compliance with the procedures provided 278  
in division (C) of this section, from financial institutions, 279  
issuers of financial transaction devices, and processors of 280  
financial transaction devices; to make recommendations about those 281  
proposals to the state elected officials; and to assist state 282  
offices in implementing the state's financial transaction device 283  
program. 284

(C) The administrative agent shall follow the procedures 285  
provided in this division whenever it plans to contract with 286  
financial institutions, issuers of financial transaction devices, 287  
or processors of financial transaction devices for the purposes of 288  
this section. The administrative agent shall request proposals 289  
from at least three financial institutions, issuers of financial 290  
transaction devices, or processors of financial transaction 291  
devices, as appropriate in accordance with the resolution adopted 292  
under division (B) of this section. Prior to sending any financial 293  
institution, issuer, or processor a copy of any such request, the 294  
administrative agent shall advertise its intent to request 295  
proposals in a newspaper of general circulation in the state once 296  
a week for two consecutive weeks. The notice shall state that the 297  
administrative agent intends to request proposals; specify the 298

purpose of the request; indicate the date, which shall be at least 299  
ten days after the second publication, on which the request for 300  
proposals will be mailed to financial institutions, issuers, or 301  
processors; and require that any financial institution, issuer, or 302  
processor, whichever is appropriate, interested in receiving the 303  
request for proposals submit WRITTEN notice of this interest to 304  
the administrative agent not later than noon of the day on which 305  
the request for proposals will be mailed. 306

Upon receiving the proposals, the administrative agent shall 307  
review them and make a recommendation to the BOARD of deposit 308  
regarding which proposals to accept. The board of deposit shall 309  
consider the agent's recommendation and review all proposals 310  
submitted, and then may choose to contract with any or all of the 311  
entities submitting proposals, as appropriate. The board of 312  
deposit shall provide any financial institution, issuer, or 313  
processor that submitted a proposal, but with which the board does 314  
not enter into a contract, notice that its proposal is rejected. 315

(D) The board of deposit shall send a copy of the resolution 316  
adopted under division (B) of this section to each state elected 317  
official and state entity authorized to accept payments for state 318  
expenses by financial transaction device. After receiving the 319  
resolution and before accepting such payments by financial 320  
transaction device, such a state elected official or state entity 321  
shall provide written notification to the administrative agent of 322  
the official's or entity's intent to implement the resolution 323  
within the official's or entity's office. Each state office or 324  
entity subject to the board's resolution adopted under division 325  
(B) of this section shall use only the financial institutions, 326  
issuers of financial TRANSACTION devices, and processors of 327  
financial transaction devices with which the board of deposit 328  
contracts, and each such office or entity is subject to the terms 329  
of those contracts. 330

If a state entity under the authority of a state elected official is directly responsible for collecting one or more state expenses and the state elected official determines not to accept payments by financial transaction device for one or more of those expenses, the office is not required to accept payments by financial transaction device for those expenses, notwithstanding the adoption of a resolution by the board of deposit under division (B) of this section. 331 332 333 334 335 336 337 338

Any state entity that prior to the effective date of this section accepted financial transaction devices may continue to accept such devices until June 30, 2000, without being subject to any resolution adopted by the board of deposit under division (B) of this section, or any other oversight by the board of the entity's financial transaction device program. any such entity may use surcharges or convenience fees in any manner the state elected official or other official in charge of the entity determines to be appropriate, and, if the administrative agent consents, may appoint the administrative agent to be the entity's administrative agent for purposes of accepting financial transaction devices. In order to be exempt from the resolution of the board of deposit under division (B) of this section, a state entity shall notify the board in writing within thirty days after the effective date of this section that it accepted financial transaction devices prior to the effective date of this section. Each such notification shall explain how processing costs associated with financial transaction devices are being paid and shall indicate whether surcharge or convenience fees are being passed on to consumers. 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358

(E) The board of deposit may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted 359 360 361 362

by the rules prescribed under a contract, between the financial institution, issuer, or processor and the administrative agent, governing the use and acceptance of the financial transaction device. 363  
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If a surcharge or convenience fee is imposed, every state entity accepting payment by a financial transaction device, regardless of whether that entity is subject to a resolution adopted by the board of deposit, shall clearly post a notice in the entity's office, and shall notify each person making a payment by such a device, about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following: 367  
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(1) A statement that there is a surcharge or convenience fee for using a financial transaction device; 376  
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(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable; 378  
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(3) A clear statement that the surcharge or convenience fee is nonrefundable. 382  
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(F) If a person elects to make a payment by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee is not refundable. 384  
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(G) If a person makes payment by a financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the state for the state expense and any REIMBURSABLE costs for collection, including banking charges, legal fees, or other expenses incurred by the state in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available 387  
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civil or criminal remedies provided by law. 394

(H) No person making any payment by a financial transaction device to a state office shall be relieved from liability for the underlying obligation, except to the extent that the state realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the state shall retain all remedies for enforcement that would have applied if the transaction had not occurred. 395  
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(I) A state entity or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments as specified in section 9.87 of the Revised Code. 404  
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(J) The administrative agent, in cooperation with the office of budget and management, may adopt, amend, and rescind rules in accordance with section 111.15 of the Revised Code to implement this section. 409  
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**Sec. 119.01.** As used in sections 119.01 to 119.13 of the Revised Code: 413  
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(A) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in the bureau of employment services, the civil service commission, the department or, on and after July 1, 1997, the division of liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state specifically made subject to sections 119.01 to 119.13 of the Revised Code, and the licensing functions 415  
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of any administrative or executive officer, department, division, 425  
bureau, board, or commission of the government of the state having 426  
the authority or responsibility of issuing, suspending, revoking, 427  
or canceling licenses. 428

Except as otherwise provided in division (I) of this section, 429  
sections 119.01 to 119.13 of the Revised Code do not apply to the 430  
public utilities commission. Sections 119.01 to 119.13 of the 431  
Revised Code do not apply to the utility radiological safety 432  
board; to the controlling board; to actions of the superintendent 433  
of financial institutions and the superintendent of insurance in 434  
the taking possession of, and rehabilitation or liquidation of, 435  
the business and property of banks, savings and loan associations, 436  
savings banks, credit unions, insurance companies, associations, 437  
reciprocal fraternal benefit societies, and bond investment 438  
companies; or to any action that may be taken by the 439  
superintendent of financial institutions under section 1113.03, 440  
1121.05, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 1155.18, 441  
1157.01, 1157.02, 1157.10, 1163.22, 1165.01, 1165.02, 1165.10, 442  
1733.35, 1733.361, 1733.37, 1733.412, or 1761.03 of the Revised 443  
Code. 444

Sections 119.01 to 119.13 of the Revised Code do not apply to 445  
actions of the industrial commission or the bureau of workers' 446  
compensation under sections 4123.01 to 4123.94 of the Revised Code 447  
with respect to all matters of adjudication, and to the actions of 448  
the industrial commission and bureau of workers' compensation 449  
under division (D) of section 4121.32 and sections 4123.29, 450  
4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 451  
and divisions (B), (C), and (E) of section 4131.14 of the Revised 452  
Code. 453

Sections 119.01 to 119.13 of the Revised Code do not apply to 454  
actions of the bureau of employment services, except those 455  
relating to all of the following: 456

(1) The adoption, amendment, or rescission of rules;	457
(2) The issuance, suspension, revocation, or cancellation of licenses;	458 459
(3) Any hearing held pursuant to sections 4115.03 to 4115.16 of the Revised Code or Chapter 4109. or 4111. of the Revised Code.	460 461
(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person, institution, or entity furnishes medicaid services under a provider agreement with the department of human services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	462 463 464 465 466 467
(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.	468 469 470 471 472 473 474 475
(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.	476 477 478 479 480 481
(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.	482 483 484
(F) "Person" means a person, firm, corporation, association, or partnership.	485 486

(G) "Party" means the person whose interests are the subject 487  
of an adjudication by an agency. 488

(H) "Appeal" means the procedure by which a person, aggrieved 489  
by a finding, decision, order, or adjudication of any agency, 490  
invokes the jurisdiction of a court. 491

(I) "Rule-making agency" means any board, commission, 492  
department, division, or bureau of the government of the state 493  
that is required to file proposed rules, amendments, or 494  
rescissions under division (D) of section 111.15 of the Revised 495  
Code and any agency that is required to file proposed rules, 496  
amendments, or rescissions under divisions (B) and (H) of section 497  
119.03 of the Revised Code. "Rule-making agency" includes the 498  
public utilities commission. "Rule-making agency" does not include 499  
any state-supported college or university. 500

(J) "Substantive revision" means any addition to, elimination 501  
from, or other change in a rule, an amendment of a rule, or a 502  
rescission of a rule, whether of a substantive or procedural 503  
nature, that changes any of the following: 504

(1) That which the rule, amendment, or rescission permits, 505  
authorizes, regulates, requires, prohibits, penalizes, rewards, or 506  
otherwise affects; 507

(2) The scope or application of the rule, amendment, or 508  
rescission. 509

(K) "Internal management rule" means any rule, regulation, or 510  
standard governing the day-to-day staff procedures and operations 511  
within an agency. 512

**Sec. 121.372.** (A) As used in this section, "Substitute care 513  
provider" means any of the following: 514

(1) An alcohol and drug addiction program subject to 515  
certification under section 3793.06 of the Revised Code; 516

(2) An institution or association subject to certification 517  
under section 5103.03 of the Revised Code; 518

(3) A residential facility subject to licensure under section 519  
5119.22 of the Revised Code; 520

(4) A residential facility subject to licensure under section 521  
5123.19 of the Revised Code. 522

(B) Not later than ninety days after the effective date of 523  
this section, the members of the Ohio family and children first 524  
cabinet council, other than the director of budget and management, 525  
shall enter into an agreement to establish an office to perform 526  
the duties prescribed by division (C) of this section. The 527  
agreement shall specify one of the departments represented on the 528  
council as the department responsible for housing and supervising 529  
the office. The agreement shall include the recommendation of the 530  
council for funding the office. 531

(C) The office established pursuant to the agreement entered 532  
into under this section shall review rules governing the 533  
certification and licensure of substitute care providers and 534  
determine which of the rules can be made substantively identical 535  
or more similar in order to minimize the number of differing 536  
certification and licensure standards and simplify the 537  
certification or licensure process for substitute care providers 538  
seeking certification or licensure from two or more of the 539  
departments represented on the council. The office shall provide 540  
county family and children first councils, substitute care 541  
providers, and persons interested in substitute care providers the 542  
opportunity to help the office with the review and determination. 543  
The office shall report its findings to the council. Each of the 544  
departments represented on the council that has adopted rules 545  
governing the certification or licensure of substitute care 546  
providers shall review the report and amend the rules as that 547

department considers appropriate, except that no rule shall be 548  
amended so as to make it inconsistent with substitute care 549  
provider certification or licensure procedures and standards 550  
established by federal or state law. A department shall give 551  
priority to amendments that will not increase the department's 552  
administrative costs. In amending a rule, a department shall 553  
comply with Chapter 119. or section 111.15 of the Revised Code, as 554  
required by the Revised Code section governing the adoption of the 555  
particular rule. 556

(D) In accordance with section 124.27 of the Revised Code, 557  
the council shall select a coordinator to oversee the office 558  
established pursuant to the agreement entered into under this 559  
section. The coordinator shall be in the classified service. In 560  
addition to overseeing the office, the coordinator shall perform 561  
any other duties the council assigns to the coordinator. The 562  
duties the council assigns to the coordinator shall be related to 563  
the duties of the office under division (C) of this section. 564

**Sec. 123.15.** The director of administrative services may 565  
enter into contracts with proper persons for the performance of 566  
labor, the furnishing of materials, or the construction of any 567  
structures and buildings necessary to the maintenance, control, 568  
and management of the public works of the state, or any part 569  
thereof. 570

The director shall require bonds of not less than one half of 571  
the contract price from said contractors, payable to the state and 572  
conditioned on the faithful performance of said contract. 573

Except in cases of extreme public exigency or emergency, and 574  
when the cost of any proposed improvement or repair exceeds five 575  
hundred dollars, the director shall give notice in a newspaper of 576  
general circulation in or contiguous to the county where the 577  
contract is to be let and where the work is to be done, and ~~he~~ the 578

director may also advertise in such trade journals as will afford 579  
full information to the public of the terms of the contract and 580  
the nature of the work to be performed and the character of 581  
materials required, together with the time of the letting and 582  
place and manner of receiving ~~proposals~~ bids. 583

Such contracts shall be awarded to the lowest responsive and 584  
responsible bidder in accordance with section 9.312 of the Revised 585  
Code, shall be in writing, and shall contain specific prices for 586  
each kind of work to be performed and for materials to be 587  
furnished by the parties. 588

**Sec. 125.023.** During the period of an emergency as defined in 589  
section 5502.21 of the Revised Code, the department of 590  
administrative services may suspend, with regard to the emergency 591  
management agency established in section 5502.22 of the Revised 592  
Code or any other state agency participating in recovery 593  
activities as defined in section 5502.21 Of the Revised Code, the 594  
purchasing and contracting requirements contained in sections 595  
125.02 to 125.111 of the Revised Code and any of the requirements 596  
of Chapter 153. Of the Revised Code that otherwise would apply to 597  
the agency. The director of public safety or the deputy director 598  
of the emergency management agency shall make the request for the 599  
suspension of ~~the purchasing and contracting~~ these requirements to 600  
the department of administrative services concurrently with the 601  
request to the governor or the president of the United States for 602  
the declaration of an emergency. The governor also shall include 603  
in any proclamation ~~he~~ the governor issues declaring an emergency 604  
language requesting the suspension of those requirements during 605  
the period of the emergency. 606

**Sec. 125.22.** (A) The department of administrative services 607  
shall establish the central service agency to perform routine 608  
support for the following boards and commissions: 609

(1) State board of examiners of architects;	610
(2) Barber board;	611
(3) Chiropractic examining board;	612
(4) State board of cosmetology;	613
(5) Accountancy board;	614
(6) State dental board;	615
(7) <del>Board of nursing;</del>	616
<del>(8)</del> State board of optometry;	617
<del>(9)</del> <u>(8)</u> Ohio occupational therapy, physical therapy, and athletic trainers board;	618 619
<del>(10)</del> <u>(9)</u> State board of registration for professional engineers and surveyors;	620 621
<del>(11)</del> <u>(10)</u> State board of sanitarian registration;	622
<del>(12)</del> <u>(11)</u> Board of embalmers and funeral directors;	623
<del>(13)</del> <u>(12)</u> State board of psychology;	624
<del>(14)</del> <u>(13)</u> Ohio optical dispensers board;	625
<del>(15)</del> <u>(14)</u> Board of speech pathology and audiology;	626
<del>(16)</del> <u>(15)</u> Counselor and social worker board;	627
<del>(17)</del> <u>(16)</u> State veterinary medical licensing board;	628
<del>(18)</del> <u>(17)</u> Ohio board of dietetics;	629
<del>(19)</del> <u>(18)</u> Commission on Hispanic-Latino affairs;	630
<del>(20)</del> <u>(19)</u> Ohio respiratory care board.	631
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of	632 633 634 635 636

administrative services:	637
(a) Preparing and processing payroll and other personnel documents;	638 639
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	640 641
(c) Maintaining ledgers of accounts and balances;	642
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	643 644
(e) Maintaining information required by section 3729.40 of the Revised Code;	645 646
(f) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	647 648 649
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	650 651 652
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	653 654 655 656
(C) The director of administrative services shall be the appointing authority for the agency.	657 658
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	659 660 661
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or	662 663 664 665

from such other fund as the operating expenses of the board or  
commission are paid. Any amounts set aside for a fiscal year by a  
board or commission to allow for the payment of fees shall be used  
only for the services performed by the agency in that fiscal year.  
All receipts collected by the agency shall be deposited in the  
state treasury to the credit of the central service agency fund,  
which is hereby created. All expenses incurred by the agency in  
performing services for the boards or commissions shall be paid  
from the fund.

(F) Nothing in this section shall be construed as a grant of  
authority for the central service agency to initiate or deny  
personnel or fiscal actions for the boards and commissions.

**Sec. 125.81.** The department of administrative services shall:

(A) Analyze and inspect continuously the utilization of all  
structures and real estate owned by the state or used by its  
agencies; and analyze and inspect continuously the condition of  
all such properties and their adequacy for the operations for  
which they are used.

(B) Promulgate standards relating to the type of  
architecture, plan of, and utilization of buildings and other  
structures and public improvements. ~~Such standards shall be  
adhered to by the office of budget and management in examination  
of budget requests.~~ Such standards shall be made known to all  
departments, institutions, universities, offices and other  
agencies and bodies of the state, for their guidance in  
preparation of requests and recommendations relative to new  
buildings, new structures, or other public improvements. Before  
promulgating such standards, the department of administrative  
services shall hold public hearings on all proposed standards.  
Reasonable public notice shall be given at least thirty days prior

to the date set for a hearing. 697

Nothing in this section shall interfere with the director of 698  
transportation's power to prepare plans for, acquire rights-of-way 699  
for, construct, or maintain transportation facilities, or to let 700  
contracts for those purposes. 701

**Sec. 126.03. (A)** The director of budget and management shall: 702  
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~~(A)~~(1) Prepare biennially a capital plan ~~that contains and,~~ 704  
with the concurrence of the governor, submit it to the general 705  
assembly. The capital plan shall contain recommendations as to the 706  
acquisition of real estate and the construction of ~~all~~ public 707  
improvements. The capital plan shall extend through a period of at 708  
least six years in the future and shall identify the projects 709  
which should be undertaken in each ~~fiscal-year~~ biennium of the 710  
period through which the plan extends, together with estimated 711  
costs of all such recommended projects. 712

~~(B)~~(2) Require biennially, from the chief administrative 713  
authorities of affected state agencies, their recommendations as 714  
to the acquisition of real estate and construction of public 715  
improvements which will be needed through a period of at least six 716  
years in the future, together with a description of each proposed 717  
public improvement and the estimated capacity of the improvement 718  
in terms of its proposed use, a demonstration of the need for the 719  
real estate or public improvement, the benefits in governmental 720  
operations expected to result from the acquisition or 721  
construction, the state agencies which will occupy or control the 722  
real estate or improvement, and the location of the real estate or 723  
public improvement. The director shall evaluate such recommended 724  
projects as to their validity and as to the comparative degree of 725  
need among them; notify the chief administrative authorities of 726  
the recommending agencies of the action taken on each such 727

recommendation; and consult with and seek the recommendations of 728  
the chief administrative authorities of the affected agencies on 729  
all projects being considered for inclusion in the capital plan, 730  
whether originally proposed by the director of budget and 731  
management or by a state agency. 732

~~(C) Prepare (3) At the request and with the concurrence of 733  
the governor, prepare and recommend, subject to the concurrence of 734  
the governor, to the general assembly, on or before the first day 735  
of April in each even numbered year of the regular session of the 736  
general assembly, a new biennial capital plan, which shall be a 737  
revised version of the capital plan which was in operation through 738  
the period since the last preceding regular legislative session. 739  
The new capital plan shall include a detailed progress report on 740  
the execution of capital improvements, budget that includes the 741  
recommendations of the director of budget and management as to 742  
projects to be undertaken or revised during the forthcoming fiscal 743  
biennium and succeeding fiscal years, and such other revisions as 744  
to projects or their proper sequence as the director recommends 745  
following the latest biennium for which a capital appropriations 746  
act was enacted. The capital plan budget shall include all 747  
projects which the director considers to be necessary and 748  
feasible, whether originally proposed by him the director or by a 749  
state agency. 750~~

~~(D) Examine all plans, estimates of cost, and other data 751  
which may be required, pertaining to each public improvement or 752  
purchase of real estate, and determine whether the plans, 753  
estimates of cost, and other data conform to the capital plan, as 754  
required in section 153.04 of the Revised Code, and to the 755  
standards promulgated under the authority of division (B) of 756  
section 125.81 of the Revised Code. 757~~

~~Nothing in this section or section 125.81 of the Revised Code 758  
shall interfere with the power of the director of transportation 759~~

~~in acquiring rights of way for the state highway system or in  
letting contracts for the construction or reconstruction of a  
highway.~~ 760  
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(B) In the capital plan and capital budget prepared under  
this section, the director of budget and management shall not  
provide for the acquisition of rights-of-way for, construction of,  
or reconstruction of transportation facilities by the director of  
transportation, other than transportation facilities financed by  
the Ohio building authority. Division (A)(2) of this section does  
not require the director of transportation to provide to the  
director of budget and management recommendations for the  
acquisition of rights-of-way for, construction of, or  
reconstruction of transportation facilities, other than  
transportation facilities financed by the Ohio building authority. 763  
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Sec. 126.15. If the director of budget and management  
determines that adjustments to the capital or operating budgets  
are required because of the reorganization of administrative  
agencies, the transfer of programs, the creation of new funds, the  
modification of capital projects, or the consolidation of funds,  
as authorized by an act of the general assembly, the director may  
both require the head of the administering agency to certify the  
estimated amount of the cash balance to be transferred to the  
receiving fund and transfer the estimated amount to the receiving  
fund when needed to make payment. Not more than thirty days after  
certifying the estimated amount, the head of the administering  
agency shall certify to the director the final amount to be  
transferred. The director shall adjust the amount transferred to  
reflect any difference between the estimated amount transferred  
and the final amount. 774  
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The director of budget and management may cancel encumbrances  
and reestablish encumbrances or parts of encumbrances as needed in  
the appropriate funds and appropriation items for the same 789  
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purposes and same vendors. The director may transfer appropriation 792  
authority necessary to reestablish such encumbrances in a 793  
different fund or appropriation item within an agency or between 794  
agencies as the director determines necessary. The director shall 795  
reduce each of the appropriation balances of each fiscal year by 796  
the amount of the encumbrances canceled in the respective funds or 797  
appropriation items. 798

The director also may transfer any unencumbered or unallotted 799  
balances to the appropriate line item to be used for the same 800  
purposes. 801

**Sec. 127.14.** The controlling board may, at the request of any 802  
state agency or the director of budget and management, authorize, 803  
with respect to the provisions of any appropriation act: 804

(A) Transfers of all or part of an appropriation within but 806  
not between state agencies, except such transfers as the director 807  
of budget and management is authorized by law to make, provided 808  
that no transfer shall be made by the director for the purpose of 809  
effecting new or changed levels of program service not authorized 810  
by the general assembly; 811

(B) Transfers of all or part of an appropriation from one 812  
fiscal year to another; 813

(C) Transfers of all or part of an appropriation within or 814  
between state agencies made necessary by administrative 815  
reorganization or by the abolition of an agency or part of an 816  
agency; 817

(D) Transfers of all or part of cash balances in excess of 818  
needs from any fund of the state to the general revenue fund or to 819  
such other fund of the state to which the money would have been 820  
credited in the absence of the fund from which the transfers are 821

authorized to be made, except that the controlling board may not 822  
authorize such transfers from the accrued leave liability fund, 823  
auto registration distribution fund, budget stabilization fund, 824  
development bond retirement fund, facilities establishment fund, 825  
gasoline excise tax fund, general revenue fund, higher education 826  
improvement fund, highway improvement bond retirement fund, 827  
highway obligations bond retirement fund, highways obligations 828  
construction fund, highway operating fund, horse racing tax fund, 829  
improvements bond retirement fund, library and local government 830  
support fund, liquor control fund, local government fund, local 831  
transportation improvement program fund, mental health facilities 832  
improvement fund, Ohio fairs fund, parks and recreation 833  
improvement fund, public improvements bond retirement fund, ~~public~~ 834  
~~school building fund,~~ school district income tax fund, state 835  
agency facilities improvement fund, state and local government 836  
highway distribution fund, state highway safety fund, state 837  
lottery fund, undivided liquor permit fund, Vietnam conflict 838  
compensation bond retirement fund, volunteer fire fighters' 839  
dependents fund, waterways safety fund, wildlife fund, workers' 840  
compensation fund, or any fund not specified in this division that 841  
the director of budget and management determines to be a bond fund 842  
or bond retirement fund; 843

(E) Transfers of all or part of those appropriations included 844  
in the emergency purposes account of the controlling board; 845  
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(F) Temporary transfers of all or part of an appropriation or 847  
other moneys into and between existing funds, or new funds, as may 848  
be established by law when needed for capital outlays for which 849  
notes or bonds will be issued; 850

(G) Transfer or release of all or part of an appropriation to 851  
a state agency requiring controlling board approval of such 852  
transfer or release as provided by law; 853

(H) Temporary transfer of funds included in the emergency 854  
purposes appropriation of the controlling board. Such temporary 855  
transfers may be made subject to conditions specified by the 856  
controlling board at the time temporary transfers are authorized. 857  
No transfers shall be made under this division for the purpose of 858  
effecting new or changed levels of program service not authorized 859  
by the general assembly. 860

As used in this section, "request" means an application by a 861  
state agency or the director of budget and management seeking some 862  
action by the controlling board. 863

When authorizing the transfer of all or part of an 864  
appropriation under this section, the controlling board may 865  
authorize the transfer to an existing appropriation item and the 866  
creation of and transfer to a new appropriation item. 867

Whenever there is a transfer of all or part of funds included 868  
in the emergency purposes appropriation by the controlling board, 869  
pursuant to division (E) of this section, the state agency or the 870  
director of budget and management receiving such transfer shall 871  
keep a detailed record of the use of the transferred funds. At the 872  
earliest scheduled meeting of the controlling board following the 873  
accomplishment of the purposes specified in the request originally 874  
seeking the transfer, or following the total expenditure of the 875  
transferred funds for the specified purposes, the state agency or 876  
the director of budget and management shall submit a report on the 877  
expenditure of such funds to the board. The portion of any 878  
appropriation so transferred which is not required to accomplish 879  
the purposes designated in the original request to the controlling 880  
board shall be returned to the proper appropriation of the 881  
controlling board at this time. 882

Notwithstanding any provisions of law providing for the 883  
deposit of revenues received by a state agency to the credit of a 884

particular fund in the state treasury, whenever there is a 885  
temporary transfer of funds included in the emergency purposes 886  
appropriation of the controlling board pursuant to division (H) of 887  
this section, revenues received by any state agency receiving such 888  
a temporary transfer of funds shall, as directed by the 889  
controlling board, be transferred back to the emergency purposes 890  
appropriation. 891

The board may delegate to the director of budget and 892  
management authority to approve transfers among items of 893  
appropriation under division (A) of this section. 894

**Sec. 127.16.** (A) Upon the request of either a state agency or 895  
the director of budget and management and after the controlling 896  
board determines that an emergency or a sufficient economic reason 897  
exists, the controlling board may approve the making of a purchase 898  
without competitive selection as provided in division (B) of this 899  
section. 900

(B) Except as otherwise provided in this section, no state 901  
agency, using money that has been appropriated to it directly, 902  
shall: 903

(1) Make any purchase from a particular supplier, that would 904  
amount to fifty thousand dollars or more when combined with both 905  
the amount of all disbursements to the supplier during the fiscal 906  
year for purchases made by the agency and the amount of all 907  
outstanding encumbrances for purchases made by the agency from the 908  
supplier, unless the purchase is made by competitive selection or 909  
with the approval of the controlling board; 910

(2) Lease real estate from a particular supplier, if the 911  
lease would amount to seventy-five thousand dollars or more when 912  
combined with both the amount of all disbursements to the supplier 913  
during the fiscal year for real estate leases made by the agency 914

and the amount of all outstanding encumbrances for real estate 915  
leases made by the agency from the supplier, unless the lease is 916  
made by competitive selection or with the approval of the 917  
controlling board. 918

(C) Any person who authorizes a purchase in violation of 919  
division (B) of this section shall be liable to the state for any 920  
state funds spent on the purchase, and the attorney general shall 921  
collect the amount from the person. 922

(D) Nothing in division (B) of this section shall be 923  
construed as: 924

(1) A limitation upon the authority of the director of 925  
transportation as granted in sections 5501.17, 5517.02, and 926  
5525.14 of the Revised Code; 927

(2) Applying to medicaid provider agreements under Chapter 928  
5111. of the Revised Code or payments or provider agreements under 929  
disability assistance medical assistance established under Chapter 930  
5115. of the Revised Code; 931

(3) Applying to the purchase of examinations from a sole 932  
supplier by a state licensing board under Title XLVII of the 933  
Revised Code; 934

(4) Applying to entertainment contracts for the Ohio state 935  
fair entered into by the Ohio expositions commission, provided 936  
that the controlling board has given its approval to the 937  
commission to enter into such contracts and has approved a total 938  
budget amount for such contracts as agreed upon by commission 939  
action, and that the commission causes to be kept itemized records 940  
of the amounts of money spent under each contract and annually 941  
files those records with the legislative clerk of the house of 942  
representatives and the clerk of the senate following the close of 943  
the fair; 944

(5) Limiting the authority of the chief of the division of mines and reclamation to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of human services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;

(12) Applying to purchases of services by the adult parole

authority under section 2967.14 of the Revised Code or by the	975
department of youth services under section 5139.08 of the Revised	976
Code;	977
(13) Applying to dues or fees paid for membership in an	978
organization or association;	979
(14) Applying to purchases of utility services pursuant to	980
section 9.30 of the Revised Code;	981
(15) Applying to purchases made in accordance with rules	982
adopted by the department of administrative services of motor	983
vehicle, aviation, or watercraft fuel, or emergency repairs of	984
such vehicles;	985
(16) Applying to purchases of tickets for passenger air	986
transportation;	987
(17) Applying to purchases necessary to provide public	988
notifications required by law or to provide notifications of job	989
openings;	990
(18) Applying to the judicial branch of state government;	991
(19) Applying to purchases of liquor for resale by the	992
department or, on and after July 1, 1997, the division of liquor	993
control;	994
(20) Applying to purchases of motor courier and freight	995
services made in accordance with department of administrative	996
services rules;	997
(21) Applying to purchases from the United States postal	998
service and purchases of stamps and postal meter replenishment	999
from vendors at rates established by the United States postal	1000
service;	1001
(22) Applying to purchases of books, periodicals, pamphlets,	1002
newspapers, maintenance subscriptions, and other published	1003
materials;	1004

(23) Applying to purchases from other state agencies,	1005
including state-assisted institutions of higher education;	1006
(24) Limiting the authority of the director of environmental	1007
protection to enter into contracts under division (D) of section	1008
3745.14 of the Revised Code to conduct compliance reviews, as	1009
defined in division (A) of that section;	1010
(25) Applying to purchases from a qualified nonprofit agency	1011
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	1012
(26) Applying to payments by the department of human services	1013
to the United States department of health and human services for	1014
printing and mailing notices pertaining to the tax refund offset	1015
program of the internal revenue service of the United States	1016
department of the treasury;	1017
(27) Applying to contracts entered into by the department of	1018
mental retardation and developmental disabilities under sections	1019
5123.18, 5123.182, and 5111.252 of the Revised Code;	1020
(28) Applying to payments made by the department of mental	1021
health under a physician recruitment program authorized by section	1022
5119.101 of the Revised Code;	1023
(29) Applying to contracts entered into with persons by the	1024
director of commerce for unclaimed funds collection and remittance	1025
efforts as provided in division (F) of section 169.03 of the	1026
Revised Code. The director shall keep an itemized accounting of	1027
unclaimed funds collected by those persons and amounts paid to	1028
them for their services.	1029
<u>(30) Applying to purchases made by a state institution of</u>	1030
<u>higher education in accordance with the terms of a contract</u>	1031
<u>between the vendor and an inter-university purchasing group</u>	1032
<u>comprised of purchasing officers of state institutions of higher</u>	1033
<u>education.</u>	1034

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

**Sec. 133.04.** (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of outstanding securities of another subdivision apportioned to the subdivision as a result of acquisition of territory, and excludes the principal amount of outstanding securities of the subdivision apportioned to another subdivision as a result of loss of territory and the payment or reimbursement obligations of the

subdivision under credit enhancement facilities relating to 1065  
outstanding securities. 1066

(B) In calculating the net indebtedness of a subdivision, 1067  
none of the following securities, including anticipatory 1068  
securities issued in anticipation of their issuance, shall be 1069  
considered: 1070

(1) Securities issued in anticipation of the levy or 1071  
collection of special assessments, either in original or refunded 1072  
form; 1073

(2) Securities issued in anticipation of the collection of 1074  
current revenues for the fiscal year or other period not to exceed 1075  
twelve consecutive months, or securities issued in anticipation of 1076  
the collection of the proceeds from a specifically identified 1077  
voter-approved tax levy; 1078

(3) Securities issued for purposes described in section 1079  
133.12 of the Revised Code; 1080

(4) Securities issued under Chapter 122., 140., 165., 725., 1081  
or 761., or section 131.23 of the Revised Code; 1082

(5) Securities issued to pay final judgments or court 1083  
approved settlements under authorizing laws and securities issued 1084  
under section 2744.081 of the Revised Code; 1085

(6) Securities issued to pay costs of permanent improvements 1086  
to the extent they are issued in anticipation of the receipt of, 1087  
and are payable as to principal from, federal or state grants or 1088  
distributions for, or legally available for, that principal or for 1089  
the costs of those permanent improvements; 1090

(7) Securities issued to evidence loans from the state 1091  
capital improvements fund pursuant to Chapter 164. of the Revised 1092  
Code or from the state infrastructure bank pursuant to section 1093  
5531.09 Of the Revised Code; 1094

(8) Other securities, including self-supporting securities, 1095  
excepted by law from the calculation of net indebtedness or from 1096  
the application of this chapter; 1097

(9) Any other securities outstanding on ~~the effective date of~~ 1098  
~~this amendment~~ OCTOBER 30, 1989, and then excepted from the 1099  
calculation of net indebtedness or from the application of this 1100  
chapter, and securities issued at any time to fund or refund those 1101  
securities. 1102

**Sec. 133.06.** (A) A school district shall not incur, without a 1103  
vote of the electors, net indebtedness that exceeds an amount 1104  
equal to one-tenth of one per cent of its tax valuation, except as 1105  
provided in divisions (G) and (H) of this section and in division 1106  
(C) of section 3313.372 of the Revised Code. 1107

(B) Except as provided in divisions (E) and (F) of this 1108  
section, a school district shall not incur net indebtedness that 1109  
exceeds an amount equal to nine per cent of its tax valuation. 1110

(C) A school district shall not submit to a vote of the 1111  
electors the question of the issuance of securities in an amount 1112  
that will make the district's net indebtedness after the issuance 1113  
of the securities exceed an amount equal to four per cent of its 1114  
tax valuation, unless the superintendent of public instruction, 1115  
acting under policies adopted by the state board of education, and 1116  
the tax commissioner, acting under written policies of the 1117  
commissioner, consent to the submission. A request for the 1118  
consents shall be made at least thirty days prior to the election 1119  
at which the question is to be submitted, except that the 1120  
superintendent of public instruction and the tax commissioner may 1121  
waive this thirty-day deadline or grant their consents after the 1122  
election if the school district shows good cause for such waiver 1123  
or consent after the election. 1124

(D) In calculating the net indebtedness of a school district,	1125
none of the following shall be considered:	1126
(1) Securities issued to acquire school buses and other	1127
equipment used in transporting pupils or issued pursuant to	1128
division (D) of section 133.10 of the Revised Code;	1129
(2) Securities issued under division (F) of this section,	1130
under section 133.301 of the Revised Code, and, to the extent in	1131
excess of the limitation stated in division (B) of this section,	1132
under division (E) of this section;	1133
(3) Indebtedness resulting from the dissolution of a joint	1134
vocational school district under section 3311.217 of the Revised	1135
Code, evidenced by outstanding securities of that joint vocational	1136
school district;	1137
(4) Loans, evidenced by any securities, received under	1138
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	1139
Revised Code;	1140
(5) Debt incurred under section 3313.374 of the Revised Code;	1141
	1142
(6) Debt incurred pursuant to division (B)(5) of section	1143
3313.37 of the Revised Code to acquire computers and related	1144
hardware.	1145
(E) A school district may become a special needs district as	1146
to certain securities as provided in division (E) of this section.	1147
(1) A board of education, by resolution, may declare its	1148
school district to be a special needs district by determining both	1149
of the following:	1150
(a) The student population is not being adequately serviced	1151
by the existing permanent improvements of the district.	1152
(b) The district cannot obtain sufficient funds by the	1153
issuance of securities within the limitation of division (B) of	1154

this section to provide additional or improved needed permanent  
improvements in time to meet the needs.

(2) The board of education shall certify a copy of that  
resolution to the superintendent of public instruction with a  
statistical report showing all of the following:

(a) A history of and a projection of the growth of the  
student population;

(b) The history of and a projection of the growth of the tax  
valuation;

(c) The projected needs;

(d) The estimated cost of permanent improvements proposed to  
meet such projected needs.

(3) The superintendent of public instruction shall certify  
the district as an approved special needs district if the  
superintendent finds both of the following:

(a) The district does not have available sufficient  
additional funds from state or federal sources to meet the  
projected needs.

(b) The projection of the potential average growth of tax  
valuation during the next five years, according to the information  
certified to the superintendent and any other information the  
superintendent obtains, indicates a likelihood of potential  
average growth of tax valuation of the district during the next  
five years of an average of not less than three per cent per year.  
The findings and certification of the superintendent shall be  
conclusive.

(4) An approved special needs district may incur net  
indebtedness by the issuance of securities in accordance with the  
provisions of this chapter in an amount that does not exceed an  
amount equal to the greater of the following:

(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost,

in excess of any insurance or condemnation proceeds received by 1216  
the district, of permanent improvements to respond to the 1217  
emergency need. 1218

(3) The procedures for the election shall be as provided in 1219  
section 133.18 of the Revised Code, except that: 1220

(a) The form of the ballot shall describe the emergency 1221  
existing, refer to this division as the authority under which the 1222  
emergency is declared, and state that the amount of the proposed 1223  
securities exceeds the limitations prescribed by division (B) of 1224  
this section; 1225

(b) The resolution required by division (B) of section 133.18 1226  
of the Revised Code shall be certified to the county auditor and 1227  
the board of elections at least seventy-five days prior to the 1228  
election; 1229

(c) The county auditor shall advise and, not later than 1230  
sixty-five days before the election, confirm that advice by 1231  
certification to, the board of education of the information 1232  
required by division (C) of section 133.18 of the Revised Code; 1233

(d) The board of education shall then certify its resolution 1234  
and the information required by division (D) of section 133.18 of 1235  
the Revised Code to the board of elections not less than sixty 1236  
days prior to the election. 1237

(4) Notwithstanding division (B) of section 133.21 of the 1238  
Revised Code, the first principal payment of securities issued 1239  
under this division may be set at any date not later than sixty 1240  
months after the earliest possible principal payment otherwise 1241  
provided for in that division. 1242

(G) The board of education may contract with an architect, 1243  
professional engineer, or other person experienced in the design 1244  
and implementation of energy conservation measures for an analysis 1245

and recommendations pertaining to installations, modifications of 1246  
installations, or remodeling that would significantly reduce 1247  
energy consumption in buildings owned by the district. The report 1248  
shall include estimates of all costs of such installations, 1249  
modifications, or remodeling, including costs of design, 1250  
engineering, installation, maintenance, repairs, and debt service, 1251  
and estimates of the amounts by which energy consumption and 1252  
resultant operational and maintenance costs, as defined by the 1253  
Ohio school facilities commission, would be reduced. 1254

If the board finds after receiving the report that the amount 1255  
of money the district would spend on such installations, 1256  
modifications, or remodeling is not likely to exceed the amount of 1257  
money it would save in energy and resultant operational and 1258  
maintenance costs over the ensuing fifteen years, the board may 1259  
submit to the commission a copy of its findings and a request for 1260  
approval to incur indebtedness to finance the making or 1261  
modification of installations or the remodeling of buildings for 1262  
the purpose of significantly reducing energy consumption. 1263

If the commission determines that the board's findings are 1264  
reasonable, it shall approve the board's request. Upon receipt of 1265  
the commission's approval, the district may issue securities 1266  
without a vote of the electors in a principal amount not to exceed 1267  
nine-tenths of one per cent of its tax valuation for the purpose 1268  
of making such installations, ~~or~~ modifications, or remodeling, but 1269  
the total net indebtedness of the district without a vote of the 1270  
electors incurred under this and all other sections of the Revised 1271  
Code shall not exceed one per cent of the district's tax 1272  
valuation. 1273

So long as any securities issued under division (G) of this 1274  
section remain outstanding, the board of education shall monitor 1275  
the energy consumption and resultant operational and maintenance 1276  
costs of buildings in which installations or modifications have 1277

been made or remodeling has been done pursuant to division (G) of 1278  
this section and shall maintain and annually update a report 1279  
documenting the reductions in energy consumption and resultant 1280  
operational and maintenance cost savings attributable to such 1281  
installations, modifications, or remodeling. The report shall be 1282  
certified by an architect or engineer independent of any person 1283  
that provided goods or services to the board in connection with 1284  
the energy conservation measures that are the subject of the 1285  
report. The resultant operational and maintenance cost savings 1286  
shall be certified by the school district treasurer. The report 1287  
shall be made available to the commission upon request. 1288

(H) With the consent of the superintendent of public 1289  
instruction, a school district may incur without a vote of the 1290  
electors net indebtedness that exceeds the amounts stated in 1291  
divisions (A) and (G) of this section for the purpose of paying 1292  
costs of permanent improvements, if and to the extent that both of 1293  
the following conditions are satisfied: 1294

(1) The fiscal officer of the school district estimates that 1295  
receipts of the school district from ~~compensation derived from or~~ 1296  
payments made under agreements entered into pursuant to division 1297  
(F) of section 5709.081 or section 5709.82 of the Revised Code, or 1298  
distributions under division (C) of section 5709.43 of the Revised 1299  
Code, or any combination thereof, are, after accounting for any 1300  
appropriate coverage requirements, sufficient in time and amount, 1301  
and are committed by the proceedings, to pay the debt charges on 1302  
the securities issued to evidence that indebtedness and payable 1303  
from those receipts, and the taxing authority of the district 1304  
confirms the fiscal officer's estimate, which confirmation is 1305  
approved by the superintendent of public instruction; 1306

(2) The fiscal officer of the school district certifies, and 1307  
the taxing authority of the district confirms, that the district, 1308  
at the time of the certification and confirmation, reasonably 1309

expects to have sufficient revenue available for the purpose of 1310  
operating such permanent improvements for their intended purpose 1311  
upon acquisition or completion thereof, and the superintendent of 1312  
public instruction approves the taxing authority's confirmation. 1313

The maximum maturity of securities issued under division (H) 1314  
of this section shall be the lesser of twenty years or the maximum 1315  
maturity calculated under section 133.20 of the Revised Code. 1316

**Sec. 153.01.** Whenever any building or structure for the use 1317  
of the state or any institution supported in whole or in part by 1318  
the state or in or upon the public works of the state that is 1319  
administered by the director of administrative services or by any 1320  
other state officer or state agency authorized by law to 1321  
administer a project, including an educational institution listed 1322  
in section 3345.50 Of the Revised Code, is to be erected or 1323  
constructed, ~~or~~ whenever additions, alterations, or structural or 1324  
other improvements are to be made, or whenever heating, cooling, 1325  
or ventilating plants or other equipment is to be installed or 1326  
material supplied therefor, the aggregate cost of which amounts to 1327  
ten thousand dollars or more, each officer, board, or other 1328  
authority upon which devolves the duty of constructing, erecting, 1329  
altering, or installing the same, referred to in sections 153.01 1330  
to 153.60 of the Revised Code as the owner, shall cause to be 1331  
made, by an architect or engineer whose contract of employment 1332  
shall be prepared and approved by the attorney general ~~and filed~~ 1333  
~~with the director,~~ the following: 1334

(A) Full and accurate plans, suitable for the use of 1335  
mechanics and other builders in such construction, improvement, 1336  
addition, alteration, or installation; 1337

(B) Details to scale and full sized, so drawn and represented 1338  
as to be easily understood; 1339

(C) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(D) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(E) A full and accurate estimate of each item of expense and the aggregate cost thereof;

(F) A life-cycle cost analysis;

(G) Such further data as may be required by the department of administrative services.

**Sec. 153.04.** The plans, details, bills of material, specifications of work, estimates of cost in detail and in the aggregate, life-cycle cost analysis, form of ~~bidding proposal~~ bid, bid guaranty, and other data that may be required shall be prepared on such material and in such manner and form as are prescribed by the department of administrative services, ~~and shall be submitted to such department for its approval.~~ The life-cycle costs shall be a primary consideration in the selection of a design. ~~If so approved the~~ The same shall be deposited and safely kept in the office of the ~~director of administrative services or such other state agency defined as the owner~~ as defined in section 153.01 of the Revised Code as the property of the state.

**Sec. 153.05.** The bond required by ~~sections 153.04 and~~ section 153.08 of the Revised Code may be enforced against the person executing such bond, by any claimant for labor or material, and suit may be brought on such bond in the name of the state on relation of the claimant within one year from the date of delivering or furnishing such labor or material, in the court of common pleas of the county wherein such labor or material was

furnished or delivered. Such bond shall not be released by the 1370  
execution of any additional security, notes, retentions from 1371  
estimates, or other instrument on account of such claim, or for 1372  
any reason, except the full payment of such claim for labor or 1373  
material. 1374

**Sec. 153.06.** After the proceedings required by sections 1375  
153.01 and 153.04 of the Revised Code have been complied with, the 1376  
owner referred to in section 153.01 of the Revised Code shall give 1377  
public notice of the time and place when and where ~~proposals~~ bids 1378  
will be received for performing the labor and furnishing the 1379  
materials of such construction, improvement, alteration, addition, 1380  
or installation, and a contract awarded, except for materials 1381  
manufactured by the state or labor supplied by the department of 1382  
human services that may enter into the same. The form of ~~proposal~~ 1383  
bid approved by the department of administrative services shall be 1384  
used, and a ~~proposal~~ bid shall be invalid and not considered 1385  
unless such form is used without change, alteration, or addition. 1386  
Bidders may be permitted to bid upon all the branches of work and 1387  
materials to be furnished and supplied, or upon any thereof, or 1388  
alternately upon all or any thereof. 1389

**Sec. 153.07.** The notice provided for in section 153.06 of the 1390  
Revised Code shall be published once each week for three 1391  
consecutive weeks in a newspaper of general circulation in the 1392  
county where the activity for which ~~proposals~~ bids are submitted 1393  
is to occur and in such other newspapers as ordered by the 1394  
department of administrative services, the last publication to be 1395  
at least eight days preceding the day for opening the bids, and in 1396  
such form and with such phraseology as the department orders. 1397  
Copies of the plans, details, bills of material, estimates of 1398  
cost, and specifications shall be open to public inspection at all 1399

business hours between the day of the first publication and the 1400  
day for opening the bids, at the office of the department where 1401  
the bids are received, and such other place as may be designated 1402  
in such notice. 1403

**Sec. 153.08.** On the day and at the place named in the notice 1404  
provided for in section 153.06 of the Revised Code, the owner 1405  
referred to in section 153.01 of the Revised Code shall open the 1406  
~~proposals~~ bids and shall publicly, with the assistance of the 1407  
architect or engineer, immediately proceed to tabulate the bids 1408  
upon duplicate sheets. A ~~proposal~~ bid shall be invalid and not 1409  
considered unless a bid guaranty meeting the requirements of 1410  
section 153.54 of the Revised Code and in the form approved by the 1411  
department of administrative services is filed with such ~~proposal~~ 1412  
bid and unless such ~~proposal~~ bid and bid guaranty are filed in one 1413  
sealed envelope. After investigation, which shall be completed 1414  
within thirty days, the contract shall be awarded by such owner to 1415  
the lowest responsive and responsible bidder in accordance with 1416  
section 9.312 of the Revised Code. 1417

No contract shall be entered into until the industrial 1418  
commission has certified that the person so awarded the contract 1419  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 1420  
until, if the bidder so awarded the contract is a foreign 1421  
corporation, the secretary of state has certified that such 1422  
corporation is authorized to do business in this state, until, if 1423  
the bidder so awarded the contract is a person nonresident of this 1424  
state, such person has filed with the secretary of state a power 1425  
of attorney designating the secretary of state as its agent for 1426  
the purpose of accepting service of summons in any action brought 1427  
under section 153.05 of the Revised Code or under sections 4123.01 1428  
to 4123.94 of the Revised Code, and until the contract and bond, 1429  
if any, are submitted to the attorney general and ~~his~~ the attorney 1430

general's approval certified thereon. 1431

No contract shall be entered into unless the bidder possesses 1432  
a valid certificate of compliance with affirmative action programs 1433  
issued pursuant to section 9.47 of the Revised Code and dated no 1434  
earlier than one hundred eighty days prior to the date fixed for 1435  
the opening of bids for a particular project. 1436

**Sec. 153.09.** If in the opinion of the owner referred to in 1437  
section 153.01 of the Revised Code, the award of a contract to the 1438  
lowest responsive and responsible bidder is not in the best 1439  
interests of the state, ~~with the written consent of the department~~ 1440  
~~of administrative services, it~~ the owner may accept another 1441  
proposal bid so opened or reject all ~~proposals bids~~, and advertise 1442  
for other bids. Such advertisement shall be for such time, in such 1443  
form, and in such newspaper as the department directs. All 1444  
contracts shall provide that such owner may make any change in 1445  
work or materials on the conditions and in the manner provided in 1446  
sections 153.10 and 153.11 of the Revised Code. 1447

**Sec. 153.10.** After the plans, bills of material, 1448  
specifications of work, estimates of cost in detail and in the 1449  
aggregate, life-cycle cost analysis, form of ~~bidding proposal bid~~, 1450  
bid guaranty, and other data that may be required are approved and 1451  
filed with the ~~secretary of state~~ owner as ~~provided~~ defined in 1452  
section ~~153.04~~ 153.01 of the Revised Code, no change of plans, 1453  
details, bills of material, or specifications shall be made or 1454  
allowed unless the same are approved by the ~~department of~~ 1455  
~~administrative services~~ owner as defined in section 153.01 Of the 1456  
Revised Code. When so approved, the plans of the proposed change, 1457  
with detail to scale and full size, specifications of work, and 1458  
bills of material shall be filed with the original papers. If such 1459  
change affects the price, the amount thereof shall likewise 1460  
receive such approval. 1461

**Sec. 153.11.** Whenever the change referred to in section 1462  
153.10 of the Revised Code is approved by the ~~department of~~ 1463  
~~administrative services~~ owner as defined in section 153.01 Of the 1464  
Revised Code, accepted in writing by the contractor, and filed, 1465  
the same shall be considered as being a part of the original 1466  
contract, and the bond theretofore executed shall be held to 1467  
include and cover the same. 1468

**Sec. 153.12.** (A) With respect to award of any contract for 1469  
the construction, reconstruction, improvement, enlargement, 1470  
alteration, repair, painting, or decoration of a public 1471  
improvement made by the state, or any county, township, municipal 1472  
corporation, school district, or other political subdivision, or 1473  
any public board, commission, authority, instrumentality, or 1474  
special purpose district of or in the state or a political 1475  
subdivision or that is authorized by state law, the award, and 1476  
execution of the contract, shall be made within sixty days after 1477  
the date on which the bids are opened. The failure to award and 1478  
execute the contract within sixty days invalidates the entire bid 1479  
proceedings and all bids submitted, unless the time for awarding 1480  
and executing the contract is extended by mutual consent of the 1481  
owner or its representatives and the bidder whose bid the owner 1482  
accepts and with respect to whom the owner subsequently awards and 1483  
executes a contract. The public owners referred to in this section 1484  
shall include, in the plans and specifications for the project for 1485  
which bids are solicited, the estimate of cost. The bid for which 1486  
the award is to be made shall be opened at the time and place 1487  
named in the advertisement for bids, unless extended by the owner 1488  
or its representative or unless, within seventy-two hours prior to 1489  
the published time for the opening of bids, excluding Saturdays, 1490  
Sundays, and legal holidays, any modification of the plans or 1491  
specifications and estimates of cost for the project for which 1492

bids are solicited is issued and mailed or otherwise furnished to 1493  
persons who have obtained plans or specifications for the project, 1494  
for which the time for opening of bids shall be extended one week, 1495  
with no further advertising of bids required. The contractor, upon 1496  
request, is entitled to a notice to proceed with the work by the 1497  
owner or its representative upon execution of the contract. No 1498  
contract to which this section applies shall be entered into if 1499  
the price of the contract, or, if the project involves multiple 1500  
contracts where the total price of all contracts for the project, 1501  
is in excess of ten per cent above the entire estimate thereof, 1502  
nor shall the entire cost of the construction, reconstruction, 1503  
repair, painting, decorating, improvement, alteration, addition, 1504  
or installation, including changes and estimates of expenses for 1505  
architects or engineers, exceed in the aggregate the amount 1506  
authorized by law. 1507

The unit or lump sum price stated in the contract shall be 1508  
used in determining the amount to be paid and shall constitute 1509  
full and final compensation for all the work. 1510

Partial payment to the contractor for work performed under 1511  
the lump sum price shall be based on a schedule prepared by the 1512  
contractor and approved by the architect or engineer who shall 1513  
apportion the lump sum price to the major components entering into 1514  
or forming a part of the work under the lump sum price. 1515

Partial payments to the contractor for labor performed under 1516  
either a unit or lump sum price contract shall be made at the rate 1517  
of ninety-two per cent of the estimates prepared by the contractor 1518  
and approved by the architect or engineer. All labor performed 1519  
after the job is fifty per cent completed shall be paid for at the 1520  
rate of one hundred per cent of the estimates submitted by the 1521  
contractor and approved by the architect or engineer. 1522

The amounts and time of payments of any public improvements 1523

contract made by the state or any county, township, municipal 1524  
corporation, school district, or other political subdivision, or 1525  
any public board, commission, authority, instrumentality, or 1526  
special purpose district of or in the state or a political 1527  
subdivision or that is authorized by state law, except as provided 1528  
in section 5525.19 of the Revised Code, shall be governed by this 1529  
section and sections 153.13 and 153.14 of the Revised Code. If the 1530  
time for awarding the contract is extended by mutual consent, or 1531  
if the owner or its representative fails to issue a timely notice 1532  
to proceed as required by this section, the owner or its 1533  
representative shall issue a change order authorizing delay costs 1534  
to the contractor, which does not invalidate the contract. The 1535  
amount of such a change order to the owner shall be determined in 1536  
accordance with the provisions of the contract for change orders 1537  
or force accounts or, if no such provision is set forth in the 1538  
contract, the cost to the owner shall be the contractor's actual 1539  
costs including wages, labor costs other than wages, wage taxes, 1540  
materials, equipment costs and rentals, insurance, and 1541  
subcontracts attributable to the delay, plus a reasonable sum for 1542  
overhead. In the event of a dispute between the owner and the 1543  
contractor concerning such change order, procedures shall be 1544  
commenced under the applicable terms of the contract, or, if the 1545  
contract contains no provision for resolving the dispute, it shall 1546  
be resolved pursuant to the procedures for arbitration in Chapter 1547  
2711. of the Revised Code, except as provided in division ~~(C)~~(B) 1548  
of this section. Nothing in this division shall be construed as a 1549  
limitation upon the authority of the director of transportation 1550  
granted in Chapter 5525. of the Revised Code. 1551

(B) ~~In the event of~~ If a dispute arises between the state and 1552  
a contractor concerning the terms of a public improvement contract 1553  
let by the state or concerning a breach of the contract, and after 1554  
administrative remedies provided for in such contract ~~between the~~ 1555

~~state and the contractor any alternative dispute resolution 1556  
procedures provided in accordance with guidelines established by 1557  
the director of administrative services are exhausted, the 1558  
contractor may bring an action to the court of claims in 1559  
accordance with Chapter 2743. of the Revised Code. The state or 1560  
the contractor may request the chief justice of the supreme court 1561  
to appoint a referee or panel of referees in accordance with 1562  
division (C)(3) of section 2743.03 of the Revised Code. As used in 1563  
this division, "dispute" means a disagreement between the state 1564  
and the contractor concerning a public improvement contract let by 1565  
the state ~~in which the amount in controversy exceeds five thousand~~ 1566  
~~dollars. If the court finds that the actual amount in controversy~~ 1567  
~~does not exceed five thousand dollars, it shall dismiss the~~ 1568  
~~application and may order that the filing party pay the reasonable~~ 1569  
~~attorney fees of the opposing party.~~ 1570~~

1571  
Sec. 125.101 153.16. (A) The director of administrative 1572  
services shall establish policy and procedure guidelines for 1573  
contract documents in conjunction with the administration of 1574  
public works contracts that the state or any institution supported 1575  
in whole or in part by the state enters into for any project 1576  
subject to sections 153.01 to 153.11 of the Revised Code. 1577

(B) Notwithstanding any contract provision to the contrary, 1578  
any claim submitted under a public works contract that the state 1579  
or any institution supported in whole or in part by the state 1580  
enters into for any project subject to sections 153.01 to 153.11 1581  
of the Revised Code shall be resolved within one hundred twenty 1582  
days. After the end of this one hundred twenty-day period, the 1583  
contractor shall be deemed to have exhausted all administrative 1584  
remedies for purposes of division (B) of section 153.12 of the 1585  
Revised Code. 1586

Sec. 153.17. (A) When in the opinion of the owner referred to 1587  
in section 153.01 of the Revised Code, the work under any contract 1588  
made under any law of the state is neglected by the contractor or 1589  
such work is not prosecuted with the diligence and force specified 1590  
or intended in the contract, such owner may make requisition upon 1591  
the contractor for such additional specific force or materials to 1592  
be brought into the work under such contract or to remove improper 1593  
materials from the grounds as in their judgment the contract and 1594  
its faithful fulfillment requires. 1595

Not less than five days' notice in writing of such action 1596  
shall be served upon the contractor or ~~his~~ the contractor's agent 1597  
in charge of the work. If the contractor fails to comply with such 1598  
requisition within fifteen days, such owner, with the written 1599  
consent of the department of administrative services, may employ 1600  
upon the work the additional force, or supply the special 1601  
materials or such part of either as is considered proper, and may 1602  
remove improper materials from the grounds. 1603

(B) When the original contractor has defaulted on a contract 1604  
and the surety has declined to take over the project, the owner 1605  
may contract with one or more takeover contractors to complete 1606  
work that was not finished because of the default of the original 1607  
contractor. The owner may enter into a contract with a takeover 1608  
contractor without competitive bidding or controlling board 1609  
approval. Upon execution of a takeover contract, the owner shall 1610  
notify the director of budget and management. 1611

When the owner has taken over a project after a default has 1612  
occurred, any moneys that the owner receives from the surety as a 1613  
settlement for completion of the project shall be deposited in the 1614  
original fund from which the capital appropriation for the project 1615  
was made. The director, without controlling board approval, may 1616  
authorize specified additional uses for the moneys related to 1617

completion of the project and may increase the appropriation 1618  
authority in the appropriation line item used to fund the project 1619  
by an amount equal to the moneys received from the surety. 1620

**Sec. 153.32.** When it becomes necessary to erect a bridge, the 1621  
board of county commissioners shall determine the length and width 1622  
of the superstructure, and whether it shall be single or double 1623  
track, and it shall advertise for ~~proposals~~ bids for performing 1624  
the labor and furnishing the materials necessary to the erection 1625  
thereof in accordance with sections 307.86 to 307.92, ~~inclusive,~~ 1626  
of the Revised Code. 1627

**Sec. 153.33.** The board of county commissioners may also 1628  
invite, receive, and consider ~~proposals~~ bids on any other plan at 1629  
the option of bidders, and shall require that any such plan 1630  
together with specifications shall be filed in the office of the 1631  
county auditor for a period of fifteen days prior to the date for 1632  
receiving bids. Such plans and specifications shall show the 1633  
number of spans, the length of each, the nature, quality, and size 1634  
of the materials to be used, the length of the structure when 1635  
completed, and whether there is any patent on the ~~proposal~~ bid 1636  
plan, or any part thereof, and if so, on what part thereof. 1637

**Sec. 153.34.** In ~~their~~ its advertisement, the board of county 1638  
commissioners shall invite bidders to make ~~proposals~~ bids for 1639  
furnishing all the materials and performing all the work, or for 1640  
such parts thereof as bidders deem proper, and include such other 1641  
matter as is required in section 307.87 of the Revised Code. 1642

**Sec. 153.50.** (A) An officer, board, or other authority of the 1643  
state, a county, township, municipal corporation, or school 1644  
district, or of any public institution belonging thereto, 1645  
authorized to contract for the erection, repair, alteration, or 1646

rebuilding of a public building, institution, bridge, culvert, or 1647  
improvement and required by law to advertise and receive ~~proposals~~ 1648  
bids for furnishing of materials and doing the work necessary for 1649  
the erection thereof, shall require separate and distinct 1650  
~~proposals~~ bids to be made for furnishing such materials or doing 1651  
such work, or both, in their discretion, for each of the following 1652  
branches or classes of work to be performed, and all work kindred 1653  
thereto, entering into the improvement: 1654

(1) Plumbing and gas fitting; 1655

(2) Steam and hot-water heating, ventilating apparatus, and 1656  
steam-power plant; 1657

(3) Electrical equipment. 1658

(B) A public authority is not required to solicit separate 1659  
~~proposals~~ bids for a branch or class of work specified in division 1660  
(A) of this section for an improvement if the estimated cost for 1661  
that branch or class of work is less than five thousand dollars. 1662

**Sec. 153.571.** The bond provided for in division (B) of 1663  
section 153.54 of the Revised Code shall be in substantially the 1664  
following form, and recovery of any claimant thereunder shall be 1665  
subject to sections 153.01 to 153.60 of the Revised Code, to the 1666  
same extent as if the provisions of such sections were fully 1667  
incorporated in ~~said~~ the bond form: 1668

"KNOW ALL ~~MEN~~ PERSONS BY THESE PRESENTS, that we, the 1669  
undersigned ..... as principal and ..... as 1670  
sureties, are hereby held and firmly bound unto ..... as 1671  
obligee in the penal sum of the dollar amount of the bid submitted 1672  
by the principal to the obligee on ..... to undertake the 1673  
project known as ..... The penal sum referred to herein 1674  
shall be the dollar amount of the principal's bid to the obligee, 1675  
incorporating any additive or deductive alternate ~~proposals~~ bids 1676

made by the principal on the date referred to above to the 1677  
obligee, which are accepted by the obligee. In no case shall the 1678  
penal sum exceed the amount of ..... dollars. (If the 1679  
foregoing blank is not filled in, the penal sum will be the full 1680  
amount of the principal's bid, including alternates. 1681  
Alternatively, if the blank is filled in, the amount stated must 1682  
not be less than the full amount of the bid including alternates, 1683  
in dollars and cents. A percentage is not acceptable.) For the 1684  
payment of the penal sum well and truly to be made, we hereby 1685  
jointly and severally bind ourselves, our heirs, executors, 1686  
administrators, successors, and assigns. 1687

Signed this ..... day of ....., 19 .... THE 1688  
CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above 1689  
named principal has submitted a bid for .....

1690  
Now, therefore, if the obligee accepts the bid of the 1691  
principal and the principal fails to enter into a proper contract 1692  
in accordance with the bid, plans, details, specifications, and 1693  
bills of material; and in the event the principal pays to the 1694  
obligee the difference not to exceed ten per cent of the penalty 1695  
hereof between the amount specified in the bid and such larger 1696  
amount for which the obligee may in good faith contract with the 1697  
next lowest bidder to perform the work covered by the bid; or in 1698  
the event the obligee does not award the contract to the next 1699  
lowest bidder and resubmits the project for bidding, the principal 1700  
pays to the obligee the difference not to exceed ten per cent of 1701  
the penalty hereof between the amount specified in the bid, or the 1702  
costs, in connection with the resubmission, of printing new 1703  
contract documents, required advertising, and printing and mailing 1704  
notices to prospective bidders, whichever is less, then this 1705  
obligation shall be null and void, otherwise to remain in full 1706  
force and effect; if the obligee accepts the bid of the principal 1707  
and the principal within ten days after the awarding of the 1708

contract enters into a proper contract in accordance with the bid, 1709  
plans, details, specifications, and bills of material, which said 1710  
contract is made a part of this bond the same as though set forth 1711  
herein; 1712

Now also, if the said ..... shall well and 1713  
faithfully do and perform the things agreed by ..... to 1714  
be done and performed according to the terms of said contract; and 1715  
shall pay all lawful claims of subcontractors, ~~materialmen~~ 1716  
materials suppliers, and laborers, for labor performed and 1717  
materials furnished in the carrying forward, performing, or 1718  
completing of said contract; we agreeing and assenting that this 1719  
undertaking shall be for the benefit of any ~~materialman~~ materials 1720  
supplier or laborer having a just claim, as well as for the 1721  
obligee herein; then this obligation shall be void; otherwise the 1722  
same shall remain in full force and effect; it being expressly 1723  
understood and agreed that the liability of the surety for any and 1724  
all claims hereunder shall in no event exceed the penal amount of 1725  
this obligation as herein stated. 1726

The said surety hereby stipulates and agrees that no 1727  
modifications, omissions, or additions, in or to the terms of the 1728  
said contract or in or to the plans or specifications therefor 1729  
shall in any wise affect the obligations of said surety on its 1730  
bond." 1731

**Sec. 153.62.** All contracts for the erection, construction, 1732  
repair, or alteration of any building, highway, or other work or 1733  
improvement of any nature by an officer, board, or other authority 1734  
of the state, a county, township, municipal corporation, school 1735  
district, or any political subdivision, or any public institution 1736  
belonging thereto, are subject to all applicable federal, state, 1737  
and local statutes, ordinances, and regulations, including, but 1738  
not limited to, those dealing with the prevention of environmental 1739

pollution that affect or are affected by such contracts. If the 1740  
bidder to whom the work is awarded must undertake additional work 1741  
due to the enactment or amendment of statutes, or rules, ~~or~~ 1742  
~~regulations~~ occurring after the submission of the successful bid 1743  
~~proposal~~, the awarding body shall issue a change order setting 1744  
forth the additional work that must be undertaken and authorizing 1745  
additional cost to the contractor, which shall not invalidate the 1746  
contract. The cost of such a change order to the awarding agency 1747  
shall be determined in accordance with the provisions of the 1748  
contract for change orders or force accounts or, if no such 1749  
provision is set forth in the contract, then the cost to the 1750  
awarding agency shall be the contractor's actual costs including 1751  
wages, labor costs other than wages, wage taxes, materials, 1752  
equipment costs and rentals, insurance, and subcontracts 1753  
attributable to the additional activity, plus a reasonable sum for 1754  
overhead. ~~Provided, however, that such~~ Such additional costs to 1755  
undertake work not specified in the invitation for ~~proposal bids~~ 1756  
shall not be approved unless written authorization is given the 1757  
successful bidder prior to ~~his~~ the successful bidder's undertaking 1758  
such additional activity. ~~In the event of~~ If a dispute arises 1759  
between the awarding agency and the successful bidder, procedures 1760  
shall be commenced under the applicable terms of the construction 1761  
contract, or, if the contract contains no provision for resolving 1762  
the dispute, it shall be resolved pursuant to the procedures for 1763  
arbitration in Chapter 2711. of the Revised Code. 1764

**Sec. 351.01.** As used in this chapter: 1765

(A) "Convention facilities authority" means a body corporate 1766  
and politic created pursuant to section 351.02 of the Revised 1767  
Code. 1768

(B) "Governmental agency" means a department, division, or 1769  
other unit of the state government or of a municipal corporation, 1770

county, township, or other political subdivision of the state; any  
state university or college, as defined in section 3345.12 of the  
Revised Code, community college, state community college,  
university branch, or technical college; any other public  
corporation or agency having the power to acquire, construct, or  
operate facilities; the United States or any agency thereof; and  
any agency, commission, or authority established pursuant to an  
interstate compact or agreement.

(C) "Person" means any individual, firm, partnership,  
association, or corporation, or any combination of them.

(D) "Facility" or "facilities" means any convention,  
entertainment, or sports facility, or combination of them, located  
within the territory of the convention facilities authority,  
together with all parking facilities, walkways, and other  
auxiliary facilities, real and personal property, property rights,  
easements and interests that may be appropriate for, or used in  
connection with, the operation of the facility.

(E) "Cost" means the cost of acquisition of all land,  
rights-of-way, property rights, easements, franchise rights, and  
interests required for such acquisition; the cost of demolishing  
or removing any buildings or structures on land so acquired,  
including the cost of acquiring any lands to which such buildings  
or structures may be moved; the cost of acquiring or constructing  
and equipping a principal office of the convention facilities  
authority; the cost of diverting highways, interchange of  
highways, access roads to private property, including the cost of  
land or easements for such access roads; the cost of public  
utility and common carrier relocation or duplication; the cost of  
all machinery, furnishings, and equipment; financing charges;  
interest prior to and during construction and for no more than  
eighteen months after completion of construction; expenses of  
research and development with respect to facilities; legal

expenses; expenses of obtaining plans, specifications, engineering 1803  
surveys, studies, and estimates of cost and revenues; working 1804  
capital; expenses necessary or incident to determining the 1805  
feasibility or practicability of acquiring or constructing such 1806  
facility; administrative expense; and such other expenses as may 1807  
be necessary or incident to the acquisition or construction of the 1808  
facility, the financing of such acquisition or construction, 1809  
including the amount authorized in the resolution of the 1810  
convention facilities authority providing for the issuance of 1811  
convention facilities authority revenue bonds to be paid into any 1812  
special funds from the proceeds of such bonds, the cost of issuing 1813  
the bonds, and the financing of the placing of such facility in 1814  
operation. Any obligation, cost, or expense incurred by any 1815  
governmental agency or person for surveys, borings, preparation of 1816  
plans and specifications, and other engineering services, or any 1817  
other cost described above, in connection with the acquisition or 1818  
construction of a facility may be regarded as part of the cost of 1819  
such facility and may be reimbursed out of the proceeds of 1820  
convention facilities authority revenue bonds as authorized by 1821  
this chapter. 1822

(F) "Owner" includes a person having any title or interest in 1823  
any property, rights, easements, or interests authorized to be 1824  
acquired by Chapter 351. of the Revised Code. 1825

(G) "Revenues" means all rentals and other charges received 1826  
by the convention facilities authority for the use or services of 1827  
any facility, the sale of any merchandise, or the operation of any 1828  
concessions; any gift or grant received with respect to any 1829  
facility, any moneys received with respect to the lease, sublease, 1830  
sale, including installment sale or conditional sale, or other 1831  
disposition of a facility or part thereof; moneys received in 1832  
repayment of and for interest on any loans made by the authority 1833  
to a person or governmental agency, whether from the United States 1834

or any department, administration, or agency thereof, or 1835  
otherwise; proceeds of convention facilities authority revenue 1836  
bonds to the extent the use thereof for payment of principal or of 1837  
premium, if any, or interest on the bonds is authorized by the 1838  
authority; proceeds from any insurance, appropriation, or guaranty 1839  
pertaining to a facility or property mortgaged to secure bonds or 1840  
pertaining to the financing of the facility; income and profit 1841  
from the investment of the proceeds of convention facilities 1842  
authority revenue bonds or of any revenues; contributions of the 1843  
proceeds of a tax levied pursuant to division (A)(3) of section 1844  
5739.024 of the Revised Code; and moneys transmitted to the 1845  
authority pursuant to division (B) of section 5739.211 and 1846  
division (B) of section 5741.031 of the Revised Code. 1847

(H) "Public roads" includes all public highways, roads, and 1848  
streets in the state, whether maintained by the state, county, 1849  
city, township, or other political subdivision. 1850

(I) "Construction," unless the context indicates a different 1851  
meaning or intent, includes, but is not limited to, 1852  
reconstruction, enlargement, improvement, or providing fixtures, 1853  
furnishings, and equipment. 1854

(J) "Convention facilities authority revenue bonds" or 1855  
"revenue bonds," unless the context indicates a different meaning 1856  
or intent, includes convention facilities authority revenue notes, 1857  
convention facilities authority revenue renewal notes, and 1858  
convention facilities authority revenue refunding bonds. 1859

(K) "Convention facilities authority tax anticipation bonds" 1860  
or "tax anticipation bonds," unless the context indicates a 1861  
different meaning, includes convention facilities authority tax 1862  
anticipation bonds, tax anticipation notes, tax anticipation 1863  
renewal notes, and tax anticipation refunding bonds. 1864

(L) "Bonds and notes" means convention facilities authority 1865

revenue bonds and convention facilities authority tax anticipation 1866  
bonds. 1867

(M) "Territory of the authority" means all of the area of the 1868  
county creating the convention facilities authority. 1869

(N) "Excise taxes" means either or both of the taxes levied 1870  
pursuant to division (B) of section 351.021 of the Revised Code. 1871  
"Excise taxes" does not include taxes levied pursuant to section 1872  
4301.424, 5743.026, or 5743.324 of the Revised Code. 1873

(O) "Transaction" means the charge by a hotel for each 1874  
occupancy by transient guests of a room or suite of rooms used in 1875  
a hotel as a single unit for any period of twenty-four hours or 1876  
less. 1877

(P) "Hotel" and "transient guests" have the same ~~meaning~~ 1878  
meanings as in section 5739.01 of the Revised Code. 1879

(Q) "Sports facility" means a facility intended to house 1880  
major league professional athletic teams. 1881

(R) "Constructing" or "construction" includes providing 1882  
fixtures, furnishings, and equipment. 1883

**Sec. 351.03.** (A) Except as provided in division (A)(3) of 1884  
section 5739.024 or in section 5739.026 of the Revised Code, no 1885  
county creating a convention facilities authority may appropriate 1886  
and expend public funds to finance or subsidize the operation of 1887  
the authority. 1888

(B) Subject to making due provisions for payment and 1889  
performance of its obligations, a convention facilities authority 1890  
may be dissolved by the county creating it. In such event the 1891  
properties of the authority shall be transferred to the county 1892  
creating it, and the county may thereupon appropriate and expend 1893  
public funds to finance or subsidize the operation of such 1894  
facilities. 1895

Sec. 351.141. A convention facilities authority that levies 1896  
one or both of the excise taxes authorized by division (B) of 1897  
section 351.021 of the Revised Code or that receives contributions 1898  
pursuant to division (A)(3) of section 5739.024 of the Revised 1899  
Code, by resolution may anticipate the proceeds of the levy and 1900  
issue convention facilities authority tax anticipation bonds, and 1901  
notes anticipating the proceeds or the bonds, in the principal 1902  
amount that, in the opinion of the authority, are necessary for 1903  
the purpose of paying the cost of one or more facilities or parts 1904  
of one or more facilities, and as able, with the interest on them, 1905  
be paid over the term of the issue, or in the case of notes 1906  
anticipating bonds over the term of the bonds, by the estimated 1907  
amount of the excise taxes or contributions anticipated thereby. 1908  
The excise taxes or contributions are determined by the general 1909  
assembly to satisfy any applicable requirement of Section 11 of 1910  
Article XII, Ohio Constitution. An authority, at any time, may 1911  
issue renewal tax anticipation notes, issue tax anticipation bonds 1912  
to pay such notes, and, whenever it considers refunding expedient, 1913  
refund any tax anticipation bonds by the issuance of tax 1914  
anticipation refunding bonds whether the bonds to be refunded have 1915  
or have not matured, and issue tax anticipation bonds partly to 1916  
refund bonds then outstanding and partly for any other authorized 1917  
purpose. The refunding bonds shall be sold and the proceeds needed 1918  
for such purpose applied in the manner provided in the bond 1919  
proceedings to the purchase, redemption, or payment of the bonds 1920  
to be refunded. 1921

Every issue of outstanding tax anticipation bonds shall be 1922  
payable out of the proceeds of the excise taxes or contributions 1923  
anticipated and other revenues of the authority that are pledged 1924  
for such payment. The pledge shall be valid and binding from the 1925  
time the pledge is made, and the anticipated excise taxes, 1926  
contributions, and revenues so pledged and thereafter received by 1927

the authority immediately shall be subject to the lien of that 1928  
pledge without any physical delivery of those excise taxes, 1929  
contributions, and revenues or further act. The lien of any pledge 1930  
is valid and binding as against all parties having claims of any 1931  
kind in tort, contract, or otherwise against the authority, 1932  
whether or not such parties have notice of the lien. Neither the 1933  
resolution nor any trust agreement by which a pledge is created 1934  
need be filed or recorded except in the authority's records. 1935

Whether or not the bonds or notes are of such form and 1936  
character as to be negotiable instruments under Title XIII of the 1937  
Revised Code, the bonds or notes shall have all the qualities and 1938  
incidents of negotiable instruments, subject only to their 1939  
provisions for registration, if any. 1940

The tax anticipation bonds shall bear such date or dates, and 1941  
shall mature at such time or times, in the case of any such notes 1942  
or any renewals of such notes not exceeding twenty years from the 1943  
date of issue of such original notes and in the case of any such 1944  
bonds or any refunding bonds not exceeding forty years from the 1945  
date of the original issue of notes or bonds for the purpose, and 1946  
shall be executed in the manner that the resolution authorizing 1947  
the bonds may provide. The tax anticipation bonds shall bear 1948  
interest at such rates, or at variable rate or rates changing from 1949  
time to time, in accordance with provisions provided in the 1950  
authorizing resolution, be in such denominations and form, either 1951  
coupon or registered, carry such registration privileges, be 1952  
payable in such medium of payment and at such place or places, and 1953  
be subject to such terms of redemption, as the authority may 1954  
authorize or provide. The tax anticipation bonds may be sold at 1955  
public or private sale, and at, or at not less than the price or 1956  
prices as the authority determines. If any officer whose signature 1957  
or a facsimile of whose signature appears on any bonds or coupons 1958  
ceases to be such officer before delivery of the bonds, the 1959

signature or facsimile shall nevertheless be sufficient for all 1960  
purposes as if ~~he~~ the officer had remained in office until 1961  
delivery of the bonds, and in case the seal of the authority has 1962  
been changed after a facsimile has been imprinted on the bonds, 1963  
the facsimile seal will continue to be sufficient for all 1964  
purposes. 1965

Any resolution or resolutions authorizing any tax 1966  
anticipation bonds or any issue of tax anticipation bonds may 1967  
contain provisions, subject to any agreements with bondholders as 1968  
may then exist, which provisions shall be a part of the contract 1969  
with the holders of the bonds, as to the pledging of any or all of 1970  
the authority's anticipated excise taxes, contributions, and 1971  
revenues to secure the payment of the bonds or of any issue of the 1972  
bonds; the use and disposition of revenues of the authority; the 1973  
crediting of the proceeds of the sale of bonds to and among the 1974  
funds referred to or provided for in the resolution; limitations 1975  
on the purpose to which the proceeds of sale of the bonds may be 1976  
applied and the pledging of portions of such proceeds to secure 1977  
the payment of the bonds or of any issue of the bonds; as to notes 1978  
issued in anticipation of the issuance of bonds, the agreement of 1979  
the authority to do all things necessary for the authorization, 1980  
issuance, and sale of such bonds in such amounts as may be 1981  
necessary for the timely retirement of such notes; limitations on 1982  
the issuance of additional bonds; the terms upon which additional 1983  
bonds may be issued and secured; the refunding of outstanding 1984  
bonds; the procedure, if any, by which the terms of any contract 1985  
with bondholders may be amended, the amount of bonds the holders 1986  
of which must consent thereto, and the manner in which such 1987  
consent may be given; securing any bonds by a trust agreement in 1988  
accordance with section 351.16 of the Revised Code; any other 1989  
matters, of like or different character, that in any way affect 1990  
the security or protection of the bonds. The excise taxes 1991

anticipated by the bonds, including bonds anticipated by notes, 1992  
shall not be subject to diminution by initiative or referendum or 1993  
by law while the bonds or notes remain outstanding in accordance 1994  
with their terms, unless provision is made by law or by the 1995  
authority for an adequate substitute therefor reasonably 1996  
satisfactory to the trustee, if a trust agreement secures the 1997  
bonds. 1998

Neither the members of the board of directors of the 1999  
authority nor any person executing the bonds shall be liable 2000  
personally on the bonds or be subject to any personal liability or 2001  
accountability by reason of the issuance thereof. 2002

**Sec. 3301.0716.** As used in this section, "the elements of the 2003  
competency-based education program" of a school district means the 2004  
performance objectives, curricula, assessment methods, and 2005  
intervention services required by divisions (A) to (D) of section 2006  
3301.0715 of the Revised Code. 2007

(A) To help school districts develop the elements of a 2008  
competency-based education program, the state board of education 2009  
shall establish model competency-based education programs. In 2010  
developing competency-based education programs pursuant to 2011  
divisions (A) to (D) of section 3301.0715 of the Revised Code, 2012  
school districts shall seriously consider the model programs 2013  
established by the state board, together with other relevant 2014  
resources, standards, and models. The models shall include 2015  
specification of all of the following for grades pre-kindergarten 2016  
through twelve: 2017

(1) Performance objectives recommended by the state board at 2018  
each grade level in composition, mathematics, science, 2019  
citizenship, and reading and in any additional area of study for 2020  
any grade level identified by the state board; 2021

(2) A model curriculum for instruction at each grade level in 2022

composition, mathematics, science, citizenship, and reading and in 2023  
any additional area of study for any grade level identified by the 2024  
state board; 2025

(3) Recommended assessment methods suitable for measuring 2026  
progress in meeting the recommended performance objectives at each 2027  
grade level in composition, mathematics, science, citizenship, and 2028  
reading and in any additional area of study for any grade level. 2029  
However, nothing in this section requires a district to utilize 2030  
any of the recommended assessment methods. 2031

(4) A recommended program of intervention services by grade 2032  
level for pupils who do not make satisfactory progress toward 2033  
achieving recommended performance objectives in composition, 2034  
mathematics, science, citizenship, and reading and in any 2035  
additional area of study for any grade level identified by the 2036  
state board. 2037

(B) The state board may establish additional model 2038  
competency-based education programs for any grade levels in areas 2039  
of study other than composition, mathematics, science, 2040  
citizenship, and reading. Such model programs shall contain 2041  
performance objectives, a model curriculum, recommended assessment 2042  
methods, and a suggested intervention program as in the case of 2043  
the model programs required by division (A) of this section. 2044

The state board shall not adopt a model competency-based 2045  
education program in health or physical education until the 2046  
general assembly has approved the model program through the 2047  
adoption of a concurrent resolution. After adopting a model 2048  
competency-based program in health or physical education, the 2049  
state board shall not revise it until after the general assembly 2050  
has approved the revisions through the adoption of a concurrent 2051  
resolution. Before the house of representatives or the senate 2052  
votes on a concurrent resolution approving a model program or 2053

revisions, its standing committee having principal jurisdiction 2054  
over primary and secondary education legislation shall conduct at 2055  
least one public hearing on the model program or revisions. Sec. 2056  
3304.16. In carrying out the purposes of sections 3304.11 to 2057  
3304.27 of the Revised Code, the rehabilitation services 2058  
commission: 2059

(A) Shall develop all necessary rules; 2060

(B) Shall prepare and submit to the governor annual reports 2061  
of activities and expenditures and, prior to each first regular 2062  
session of the general assembly, an estimate of sums required to 2063  
carry out the commission's responsibilities; 2064

(C) Shall certify any disbursement of funds available to the 2065  
commission for vocational rehabilitation activities; 2066

(D) Shall serve as the sole state agency designated to 2067  
administer the plan under the "Rehabilitation Act of 1973," 87 2068  
Stat. 355, 29 U.S.C. 701, as amended; 2069

(E) Shall take appropriate action to guarantee rights of and 2070  
services to handicapped persons; 2071

(F) Shall consult with and advise other state agencies to 2072  
assist them in meeting the needs of handicapped persons more 2073  
effectively and to achieve maximum coordination among programs for 2074  
the handicapped; 2075

(G) Shall establish an administrative division of consumer 2076  
affairs and advocacy within the commission to promote and help 2077  
guarantee the rights of handicapped persons; 2078

(H) Shall maintain an inventory of state services that are 2079  
available to handicapped persons; 2080

(I) Shall utilize, support, assist, and cooperate with the 2081  
governor's committee on employment of the handicapped; 2082

(J) May delegate to any officer or employee of the commission 2083

any necessary powers and duties;	2084
(K) May take any other necessary or appropriate action for	2085
cooperation with public and private agencies and organizations	2086
which may include:	2087
(1) Reciprocal agreements with other states to provide for	2088
the vocational rehabilitation of individuals within the states	2089
concerned;	2090
(2) Contracts or other arrangements with public and other	2091
nonprofit agencies and organizations for the construction or	2092
establishment and operation of vocational rehabilitation programs	2093
and facilities;	2094
(3) Cooperative arrangements with the federal government for	2095
carrying out sections 3304.11 to 3304.27 of the Revised Code, the	2096
"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C.	2097
31, as amended, or other federal statutes pertaining to vocational	2098
rehabilitation, and to this end, may adopt plans and methods of	2099
administration found necessary by the federal government for the	2100
efficient operation of any joint arrangements or the efficient	2101
application of any federal statutes;	2102
(4) Upon the designation of the governor, performing	2103
functions and services for the federal government relating to	2104
individuals under a physical or mental disability;	2105
(5) Compliance with any requirements necessary to obtain	2106
federal funds in the maximum amount and most advantageous	2107
proportion possible.	2108
(L) May conduct research and demonstration projects,	2109
including inquiries concerning the causes of blindness and its	2110
prevention, provide training and instruction, including the	2111
establishment and maintenance of research fellowships and	2112
traineeships along with all necessary stipends and allowances,	2113

disseminate information, and provide technical assistance relating	2114
to vocational rehabilitation;	2115
(M) May plan, establish, and operate programs, facilities,	2116
and services relating to vocational rehabilitation;	2117
(N) May accept and hold, invest, reinvest, or otherwise use	2118
gifts made for the purpose of furthering vocational	2119
rehabilitation;	2120
(O) May ameliorate the condition of the aged blind or other	2121
severely disabled individuals by establishing a program of home	2122
visitation by commission employees for the purpose of instruction;	2123
(P) May establish and manage small business enterprises that	2124
are operated by persons with a substantial handicap to employment,	2125
including blind persons;	2126
(Q) May purchase from insurance companies licensed to do	2127
business in this state any insurance deemed necessary by the	2128
commission for the efficient operation of a suitable vending	2129
facility as defined in division (A) of section 3304.28 of the	2130
Revised Code;	2131
(R) <u>May accept directly from any state agency, and any state</u>	2132
<u>agency may transfer directly to the commission, surplus computers</u>	2133
<u>and computer equipment to be used for any purposes the commission</u>	2134
<u>considers appropriate, notwithstanding sections 125.12 to 125.14</u>	2135
<u>Of the Revised Code.</u>	2136
<b>Sec. 3315.01.</b> (A) Except as provided in division (B) of this	2137
section and notwithstanding sections 3315.12 and 3315.14 of the	2138
Revised Code, the board of education of any school district may	2139
adopt a resolution requiring the treasurer of the district to	2140
credit the earnings made on the investment of the principal of the	2141
moneys specified in the resolution to the fund from which the	2142
earnings arose or any other fund of the district as the board	2143

specifies in its resolution. 2144

(B) This section does not apply to the earnings made on the 2145  
investment of the bond retirement fund, the sinking fund, a 2146  
project construction fund established pursuant to sections 3318.01 2147  
to 3318.20 Of the Revised Code, or the payments received by school 2148  
districts pursuant to division (L) of section 3317.024 of the 2149  
Revised Code. 2150

**Sec. 3316.03.** (A) The existence of a fiscal watch shall be 2151  
determined by the auditor of state. The auditor of state may make 2152  
the determination on the auditor of state's initiative, or upon 2153  
receipt of a written request for such a determination, which may 2154  
be filed by the governor, the superintendent of public 2155  
instruction, or a majority of the members of the board of 2156  
education of the school district. The auditor of state shall 2157  
declare a school district to be in a state of fiscal watch if the 2158  
auditor of state determines that division (A)(1), (2), or (3) of 2159  
this section applies to the school district: 2160

(1) All of the following conditions are satisfied with 2161  
respect to the school district: 2162

(a) An operating deficit has been certified for the current 2163  
fiscal year by the auditor of state ~~under section 3313.483 of the~~ 2164  
~~Revised Code,~~ and the certified operating deficit exceeds eight 2165  
per cent of the school district's general fund revenue for the 2166  
preceding fiscal year; 2167

(b) The unencumbered cash balance in the school district's 2168  
general fund at the close of the preceding fiscal year, less any 2169  
advances of property taxes, was less than eight per cent of the 2170  
expenditures made from the general fund for the preceding fiscal 2171  
year; 2172

(c) A majority of the voting electors have not voted in favor 2173

of levying a tax under section 5705.194 or 5705.21 or Chapter 2174  
5748. of the Revised Code that the auditor of state expects will 2175  
raise enough additional revenue in the next succeeding fiscal year 2176  
that divisions (A)(1)(a) and (b) of this section will not apply to 2177  
the district in such next succeeding fiscal year. 2178  
2179

(2) The school district has outstanding securities issued 2180  
under division (A)(4) of section 3316.06 of the Revised Code, and 2181  
its financial planning and supervision commission has been 2182  
terminated under section 3316.16 of the Revised Code. 2183

(3) The school district has received an advancement under 2184  
section 3316.20 of the Revised Code. 2185

(B) The auditor of state, after consulting with the 2186  
superintendent of public instruction, shall issue an order 2187  
declaring a school district to be in a state of fiscal emergency 2188  
if the auditor of state determines that division (B)(1), (2), (3), 2189  
or (4) of this section applies to the school district: 2190

(1) All of the following conditions are satisfied with 2191  
respect to the school district: 2192

(a) The board of education of the school district is not able 2193  
to demonstrate, to the auditor of state's satisfaction, the 2194  
district's ability to repay outstanding loans received pursuant to 2195  
section 3313.483 of the Revised Code or to repay securities issued 2196  
pursuant to section 133.301 of the Revised Code in accordance with 2197  
applicable repayment schedules unless the board requests 2198  
additional loans under section 133.301 of the Revised Code in an 2199  
aggregate principal amount exceeding fifty per cent of the sum of 2200  
the following: 2201

(i) The aggregate original principal amount of loans received 2202  
in the preceding fiscal year under section 3313.483 of the Revised 2203  
Code; 2204

(ii) The aggregate amount borrowed by the district under section 133.301 of the Revised Code, excluding any additional amount borrowed as authorized under division (C) of that section.

(b) An operating deficit has been certified for the current fiscal year by the auditor of state ~~under section 3313.483 of the Revised Code~~, and the certified operating deficit exceeds fifteen per cent of the school district's general fund revenue for the preceding fiscal year. In determining the amount of an operating deficit under division (B)(1)(b) of this section, the auditor of state shall credit toward the amount of that deficit only the amount that may be borrowed from the spending reserve balance as determined under section 133.301 and division (F) of section 5705.29 of the Revised Code.

(c) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that divisions (A)(1)(a) and (b) of this section will not apply to the district in such next succeeding fiscal year.

(d) The school district is one that, at the time of the auditor of state's determination under this section, had a total student count of more than ten thousand students as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code.

(2) The school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the state superintendent of public instruction within one hundred twenty days of the auditor of state's declaration under division (A) of this section;

(3) A declaration of fiscal emergency is required by division

(D) of section 3316.04 of the Revised Code; 2236

(4) The school district has received more than one 2237  
advancement under section 3316.20 of the Revised Code within a 2238  
two-year period, or has received only one such advancement but 2239  
also has an operating deficit as described in division (B)(1)(b) 2240  
of this section. 2241

(C) In making the determinations under this section, the 2242  
auditor of state may use financial reports required under section 2243  
117.43 of the Revised Code; tax budgets, certificates of estimated 2244  
resources and amendments thereof, annual appropriating measures 2245  
and spending plans, and any other documents or information 2246  
prepared pursuant to Chapter 5705. of the Revised Code; and any 2247  
other documents, records, or information available to the auditor 2248  
of state that indicate the conditions described in divisions (A) 2249  
and (B) of this section. 2250

(D) The auditor of state shall certify the action taken under 2251  
division (A) or (B) of this section to the board of education of 2252  
the school district, the director of budget and management, the 2253  
mayor or county auditor who could be required to act pursuant to 2254  
division (B)(1) of section 3316.05 of the Revised Code, and to the 2255  
superintendent of public instruction. 2256

(E) A determination by the auditor of state under this 2257  
section that a fiscal emergency condition does not exist is final 2258  
and conclusive and not appealable. A determination by the auditor 2259  
of state under this section that a fiscal emergency exists is 2260  
final, except that the board of education of the school district 2261  
affected by such a determination may appeal the determination of 2262  
the existence of a fiscal emergency condition to the court of 2263  
appeals having territorial jurisdiction over the school district. 2264  
The appeal shall be heard expeditiously by the court of appeals 2265  
and for good cause shown shall take precedence over all other 2266

civil matters except earlier matters of the same character. Notice  
of such appeal must be filed with the auditor of state and such  
court within thirty days after certification by the auditor of  
state to the board of education of the school district provided  
for in division (D) of this section. In such appeal,  
determinations of the auditor of state shall be presumed to be  
valid and the board of education shall have the burden of proving,  
by clear and convincing evidence, that each of the determinations  
made by the auditor of state as to the existence of a fiscal  
emergency condition under this section was in error. If the board  
of education fails, upon presentation of its case, to prove by  
clear and convincing evidence that each such determination by the  
auditor of state was in error, the court shall dismiss the appeal.  
The board of education and the auditor of state may introduce any  
evidence relevant to the existence or nonexistence of such fiscal  
emergency conditions. The pendency of any such appeal shall not  
affect or impede the operations of this chapter; no restraining  
order, temporary injunction, or other similar restraint upon  
actions consistent with this chapter shall be imposed by the court  
or any court pending determination of such appeal; and all things  
may be done under this chapter that may be done regardless of the  
pendency of any such appeal. Any action taken or contract executed  
pursuant to this chapter during the pendency of such appeal is  
valid and enforceable among all parties, notwithstanding the  
decision in such appeal. If the court of appeals reverses the  
determination of the existence of a fiscal emergency condition by  
the auditor of state, the determination no longer has any effect,  
and any procedures undertaken as a result of the determination  
shall be terminated.

**Sec. 3317.0212.** Divisions (B) and (C) of this section do not  
apply to a school district with a formula ADM of one hundred fifty  
or less.

(A) As used in this section:	2299
(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 state aid" for a district means the total amount of state money received by the district <del>in</del> <u>for</u> the applicable fiscal year as reported on the department of education's form "SF-12," adjusted as follows:	2300 2301 2302 2303 2304
(a) Minus the amount for transportation;	2305
(b) Minus any amounts for approved preschool handicapped units;	2306 2307
(c) Minus any additional amount attributable to the reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;	2308 2309 2310
(d) Plus the amount deducted for payments to an educational service center;	2311 2312
(e) Plus an estimated portion of the state money distributed in the applicable fiscal year to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;	2313 2314 2315 2316 2317 2318
(f) Minus an estimated portion of the state money distributed to the school district in the applicable fiscal year for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;	2319 2320 2321 2322 2323 2324
(g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended	2325 2326 2327 2328

Substitute House Bill No. 215 of the 122nd general assembly;	2329
(h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;	2330 2331 2332
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	2333 2334
(j) <u>Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;</u>	2335 2336
(k) <u>Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section 3317.022 Of the Revised Code.</u>	2337 2338 2339
(2) "Enhanced FY 1998 state aid" for a district means its fundamental FY 1998 state aid plus any amounts for which the district was eligible pursuant to division (K) of section 3317.024 of the Revised Code, as that division existed in fiscal year 1998.	2340 2341 2342 2343
(3) "State basic aid" for a district <del>in</del> <u>for</u> any fiscal year after fiscal year 1998 means the sum of the following:	2344 2345
(a) The amount computed for the district for basic formula aid and special education funding under divisions (A), <u>(B)</u> , and (C)(1) of section 3317.022 and sections 3317.025 <del>to 3317.028</del> <u>and 3317.027</u> of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), or (K) of section 3317.023 or division (J) of section 3317.029 of the Revised Code;	2346 2347 2348 2349 2350 2351 2352 2353
(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G) and (P) of section 3317.024, and division (B) of section 3317.162 of the Revised Code;	2354 2355 2356 2357
(c) Any equity aid for which the district is eligible under	2358

section 3317.0213 of the Revised Code. 2359

(B) Upon request of the department of education, the 2360  
treasurer of any school district or educational service center 2361  
shall furnish data needed to calculate the amounts specified in 2362  
divisions (A)(1)(e) and (f) of this section. The department shall 2363  
compute the state basic aid guarantee for each school district for 2364  
the fiscal year as follows: 2365

(1) Subtract the amount of state basic aid from the amount of 2366  
fundamental FY 1998 state aid. If a negative number, this 2367  
computation shall be deemed to be zero. 2368

(2) Compute the following amounts: 2369

(a) Formula ADM X (state basic aid/formula ADM); 2370

(b) The greater of formula ADM or three-year average formula 2371  
ADM X (fundamental FY 1998 state aid/FY 1998 ADM). 2372

(3) If the amount computed under division (B)(2)(b) of this 2373  
section is greater than the amount computed under division 2374  
(B)(2)(a) of this section, determine the amount by which it is 2375  
greater. If the amount computed under division (B)(2)(b) of this 2376  
section is not greater than the amount computed under division 2377  
(B)(2)(a) of this section, this computation shall be deemed to be 2378  
zero. 2379

(4) Except as provided in division (C) of this section, the 2380  
department shall determine for each district the lesser of the 2381  
amounts computed in divisions (B)(1) and (3) of this section and, 2382  
if greater than zero, pay the district that amount. 2383

(C) In fiscal year 1999, the department shall calculate for 2384  
each district the sum of the district's state basic aid for fiscal 2385  
year 1999 plus the transportation portion of state aid computed 2386  
under division (D) of section 3317.022 of the Revised Code for the 2387  
district for fiscal year 1999. If a district's enhanced FY 1998 2388

state aid is greater than that sum, then the department shall pay 2389  
the district in fiscal year 1999 one hundred per cent of the 2390  
difference or the amount required by division (B)(4) of this 2391  
section, whichever is greater. 2392

(D)(1) The state basic aid guarantee in any fiscal year for a 2393  
school district with a formula ADM of one hundred fifty or less 2394  
shall be the greatest of the following amounts: 2395

(a) The district's state basic aid for the fiscal year; 2396

(b) The district's fundamental FY 1998 state aid; 2397

(c) The district's fundamental FY 1997 state aid; 2398

(2) If in any fiscal year the state basic aid for a school 2399  
district with a formula ADM of one hundred fifty or less is less 2400  
than the guarantee amount determined for the district under 2401  
division (D)(1) of this section, the department of education shall 2402  
pay the district the amount of the difference. 2403

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 2404  
(C) of this section, any student enrolled in kindergarten more 2405  
than half time shall be reported as one-half student under this 2406  
section. 2407

(A) The superintendent of each city and exempted village 2408  
school district and of each educational service center shall, for 2409  
the schools under the superintendent's supervision, certify to the 2410  
state board of education on or before the fifteenth day of October 2411  
in each year for the first full school week in October the formula 2412  
ADM, which shall consist of the average daily membership during 2413  
such week of the sum of the following: 2414

(1) On an FTE basis, the number of students in grades 2415  
kindergarten through twelve receiving any educational services 2416  
from the district, except that the following categories of 2417  
students shall not be included in the determination: 2418

(a) Students enrolled in adult education classes;	2419
(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	2420 2421 2422
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	2423 2424 2425 2426
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	2427 2428
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	2429 2430 2431 2432 2433
(a) A community school pursuant to Chapter 3314. of the Revised Code or Section 50.52 of Amended Substitute House Bill No. 215 of the 122nd general assembly;	2434 2435 2436
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	2437 2438 2439
(c) A college pursuant to Chapter 3365. of the Revised Code;	2440
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	2441 2442 2443
(e) An educational service center or cooperative education district;	2444 2445
(f) Another school district under a cooperative education agreement, compact, or contract.	2446 2447

(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The average daily membership of all handicapped preschool children included in a unit approved for the district under section 3317.05 of the Revised Code, in accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised Code or Section

50.52 of Amended Substitute House Bill No. 215 of the 122nd	2479
general assembly, or are participating in a program operated by a	2480
county MR/DD board or a state institution;	2481
(4) The number of pupils enrolled in joint vocational	2482
schools;	2483
(5) The average daily membership of handicapped children	2484
reported under division (A)(1) or (2) of this section receiving	2485
category one special education services, described in division (A)	2486
of section 3317.013 of the Revised Code;	2487
(6) The average daily membership of handicapped children	2488
reported under division (A)(1) or (2) of this section receiving	2489
category two special education services, described in division (B)	2490
of section 3317.013 of the Revised Code;	2491
(7) The average daily membership of handicapped children	2492
reported under division (A)(1) or (2) of this section identified	2493
as having any of the handicaps specified in division (F)(3) of	2494
section 3317.02 of the Revised Code;	2495
(8) The average daily membership of pupils reported under	2496
division (A)(1) or (2) of this section enrolled in vocational	2497
education programs or classes operated by the school district or	2498
by another district other than a joint vocational school district	2499
or by an educational service center;	2500
(9) The average number of children transported by the school	2501
district on board-owned or contractor-owned and <u>o</u> perated buses,	2502
reported in accordance with rules adopted by the department of	2503
education;	2504
(10)(a) The number of children, other than handicapped	2505
preschool children, the district placed with a county MR/DD board	2506
in fiscal year 1998;	2507
(b) The number of handicapped children, other than	2508

handicapped preschool children, placed with a county MR/DD board 2509  
in the current fiscal year to receive category one special 2510  
education services, described in division (A) of section 3317.013 2511  
of the Revised Code; 2512

(c) The number of handicapped children, other than 2513  
handicapped preschool children, placed with a county MR/DD board 2514  
in the current fiscal year to receive category two special 2515  
education services, described in division (B) of section 3317.013 2516  
of the Revised Code; 2517

(d) The number of handicapped children, other than 2518  
handicapped preschool children, placed with a county MR/DD board 2519  
in the current fiscal year to receive category three special 2520  
education services, described in division (F)(3) of section 2521  
3317.02 of the Revised Code. 2522

(C) Except as otherwise provided in this section for 2523  
kindergarten students, the average daily membership in divisions 2524  
(B)(1) to (8) of this section shall be based upon the number of 2525  
full-time equivalent students. The state board of education shall 2526  
adopt rules defining full-time equivalent students and for 2527  
determining the average daily membership therefrom for the 2528  
purposes of divisions (A) and (B) of this section. No child shall 2529  
be counted as more than a total of one child in the sum of the 2530  
average daily memberships of a school district under division (A) 2531  
or under divisions (B)(1) to (8) of this section. Based on the 2532  
information reported under this section, the department of 2533  
education shall determine the total student count, as defined in 2534  
section 3301.011 of the Revised Code, for each school district. 2535

(D) The superintendent of each joint vocational and 2536  
cooperative education school district shall certify to the 2537  
superintendent of public instruction, in a manner prescribed by 2538  
the state board of education, the applicable average daily 2539

memberships for all students in the joint vocational or 2540  
cooperative education school district, also indicating the city, 2541  
local, or exempted village school district of residence for each 2542  
pupil. 2543

(E) In each school of each city, local, exempted village, 2544  
joint vocational, and cooperative education school district there 2545  
shall be maintained a record of school membership, which record 2546  
shall accurately show, for each day the school is in session, the 2547  
actual membership enrolled in regular day classes. For the purpose 2548  
of determining average daily membership, the membership figure of 2549  
any school shall not include any pupils except those pupils 2550  
described by division (A) of this section. The record of 2551  
membership for each school shall be maintained in such manner that 2552  
no pupil shall be counted as in membership prior to the actual 2553  
date of entry in the school and also in such manner that where for 2554  
any cause a pupil permanently withdraws from the school that pupil 2555  
shall not be counted as in membership from and after the date of 2556  
such withdrawal. There shall not be included in the membership of 2557  
any school any of the following: 2558

(1) Any pupil who has graduated from the twelfth grade of a 2559  
public high school; 2560

(2) Any pupil who is not a resident of the state; 2561

(3) Any pupil who was enrolled in the schools of the district 2562  
during the previous school year when tests were administered under 2563  
section 3301.0711 of the Revised Code but did not take one or more 2564  
of the tests required by that section and was not excused pursuant 2565  
to division (C)(1) of that section; 2566

(4) Any pupil who has attained the age of twenty-two years, 2567  
except for the following: 2568

(a) Persons suffering from tuberculosis and receiving 2569  
treatment in any approved state, county, district, or municipal 2570

tuberculosis hospital who have not graduated from the twelfth 2571  
grade of a public high school; 2572

(b) Veterans of the armed services whose attendance was 2573  
interrupted before completing the recognized twelve-year course of 2574  
the public schools by reason of induction or enlistment in the 2575  
armed forces and who apply for reenrollment in the public school 2576  
system of their residence not later than four years after 2577  
termination of war or their honorable discharge. 2578

If, however, any veteran described by division (E)(4)(b) of 2579  
this section elects to enroll in special courses organized for 2580  
veterans for whom tuition is paid under the provisions of federal 2581  
laws, or otherwise, that veteran shall not be included in average 2582  
daily membership. 2583

Notwithstanding division (E)(3) of this section, the 2584  
membership of any school may include a pupil who did not take a 2585  
test required by section 3301.0711 of the Revised Code if the 2586  
superintendent of public instruction grants a waiver from the 2587  
requirement to take the test to the specific pupil. The 2588  
superintendent may grant such a waiver only for good cause in 2589  
accordance with rules adopted by the state board of education. 2590

The average daily membership figure of any local, city, or 2591  
exempted village school district shall be determined by dividing 2592  
the figure representing the sum of the number of pupils enrolled 2593  
during each day the school of attendance is actually open for 2594  
instruction during the first full school week in October by the 2595  
total number of days the school was actually open for instruction 2596  
during that week. For purposes of state funding, "enrolled" 2597  
persons are only those pupils who are attending school, those who 2598  
have attended school during the current school year and are absent 2599  
for authorized reasons, and those handicapped children currently 2600  
receiving home instruction. 2601

The average daily membership figure of any joint vocational 2602  
or cooperative education school district shall be determined in 2603  
accordance with rules adopted by the state board of education. 2604

(F)(1) If the formula ADM for the first full school week in 2605  
February is at least three per cent greater than that certified 2606  
for the first full school week in the preceding October, the 2607  
superintendent of schools of any city or exempted village school 2608  
district or educational service center shall certify such increase 2609  
to the superintendent of public instruction. Such certification 2610  
shall be submitted no later than the fifteenth day of February. 2611  
For the balance of the fiscal year, beginning with the February 2612  
payments, the superintendent of public instruction shall use the 2613  
increased formula ADM in calculating or recalculating the amounts 2614  
to be allocated in accordance with section 3317.022 of the Revised 2615  
Code. In no event shall the superintendent use an increased 2616  
membership certified to the superintendent after the fifteenth day 2617  
of February. 2618

(2) If during the first full school week in February the 2619  
total number of units for handicapped preschool children that are 2620  
eligible for approval under division (B) of section 3317.05 of the 2621  
Revised Code exceeds the number of such units that have been 2622  
approved for the year under such division, the superintendent of 2623  
schools of any city, exempted village, or cooperative education 2624  
school district or educational service center shall make the 2625  
certifications required by this section for such week. If the 2626  
state board of education determines additional units can be 2627  
approved for the fiscal year within any limitations set forth in 2628  
the acts appropriating moneys for the funding of such units, the 2629  
board shall approve additional units for the fiscal year on the 2630  
basis of such average daily membership. For each unit so approved, 2631  
the department of education shall pay an amount computed in the 2632  
manner prescribed in section 3317.161 or 3317.19 and section 2633

3317.162 of the Revised Code.

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(3) If during the first full school week in February the total number of special education units that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code for a joint vocational school district exceeds the number of those units that have been approved for the year under that division, the superintendent of the district shall make the certifications required by this section for that week. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the state board shall approve additional units for the fiscal year on the basis of the average daily membership certified. For each unit approved, the department of education shall pay an amount computed in the manner prescribed by section 3317.16 of the Revised Code.

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(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

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(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

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(2) The superintendent of each county MR/DD board that maintains special education classes or units approved by the state

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board of education pursuant to section 3317.05 of the Revised Code 2665  
shall do both of the following: 2666

(a) Certify to the state board, in the manner prescribed by 2667  
the board, the average daily membership in classes and units 2668  
approved under division (D)(1) of section 3317.05 of the Revised 2669  
Code for each school district that has placed children in the 2670  
classes or units; 2671

(b) Certify to the state board, in the manner prescribed by 2672  
the board, the average daily membership in preschool handicapped 2673  
units approved under division (B) of section 3317.05 of the 2674  
Revised Code. 2675

(3) If during the first full school week in February the 2676  
average daily membership of the classes or units maintained by the 2677  
county MR/DD board that are eligible for approval under division 2678  
(D)(1) of section 3317.05 of the Revised Code is greater than the 2679  
average daily membership for the preceding October, the 2680  
superintendent of the board shall make the certifications required 2681  
by this section for such week and, if during the first full school 2682  
week in February the average daily membership of the units 2683  
maintained by the county MR/DD board that are eligible for 2684  
approval under division (B) of section 3317.05 of the Revised Code 2685  
is greater than the average daily membership for the preceding 2686  
October, the superintendent shall certify the average daily 2687  
membership for the first full school week in February for such 2688  
units to the state board of education. If the state board 2689  
determines that additional classes or units can be approved for 2690  
the fiscal year within any limitations set forth in the acts 2691  
appropriating moneys for the funding of such classes and units, 2692  
the board shall approve and fund additional units for the fiscal 2693  
year on the basis of such average daily membership. For each unit 2694  
so approved, the department of education shall pay an amount 2695  
computed in the manner prescribed in sections 3317.161 and 2696

3317.162 of the Revised Code.

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(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

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(I)(1) A school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

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(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in division (A)(9) of section 3313.974 of the Revised Code;

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(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such

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alternative school.

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**Sec. 3318.03.** Upon conducting the on-site evaluation under  
section 3318.02 of the Revised Code, the Ohio school facilities  
commission shall make a determination of ~~the practicability of~~  
~~meeting the district's classroom facility needs as indicated in~~  
~~division (B)(2) of section 3318.02 of the Revised Code; the all of~~  
the following:

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(A) The needs of the school district for additional classroom  
facilities; ~~the~~

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(B) The number of classroom facilities to be included in a  
project and the basic project cost of constructing, acquiring,  
reconstructing, or making additions to each such facility; ~~the~~

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(C) The amount of such cost that the school district can  
supply from available funds, by the issuance of bonds previously  
authorized by the electors of the school district the proceeds of  
which can lawfully be used for the project, and by the issuance of  
bonds under section 3318.05 of the Revised Code; ~~and the~~

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(D) The remaining amount of such cost that shall be supplied  
by the state;

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(E) If the state's portion of the basic project cost exceeds  
forty million dollars, the amount of the state's portion to be  
encumbered in accordance with section 3318.11 of the Revised Code  
in the current and subsequent fiscal bienniums from funds  
appropriated for purposes of sections 3318.01 to 3318.20 of the  
Revised Code. The

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The commission shall make a determination in favor of  
constructing, acquiring, reconstructing, or making additions to a  
classroom facility only upon evidence that the proposed project  
conforms to sound educational practice, that it is in keeping with  
the orderly process of school district reorganization and

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consolidation, and that the actual or projected enrollment in each 2758  
classroom facility proposed to be included in the project is at 2759  
least three hundred fifty pupils. Exceptions shall be authorized 2760  
only in those districts where topography, ~~sparsity~~ sparsity of 2761  
population, and other factors make larger schools impracticable. 2762

Sections 125.81 and 153.04 of the Revised Code shall not 2763  
apply to classroom facilities constructed under sections 3318.01 2764  
to 3318.20 of the Revised Code. 2765

**Sec. 3318.04.** If the Ohio school facilities commission makes 2766  
a determination under section 3318.03 of the Revised Code in favor 2767  
of constructing, acquiring, reconstructing, or making additions to 2768  
a classroom facility, the project shall be conditionally approved. 2769  
Such conditional approval shall be submitted to the controlling 2770  
board for approval thereof. The controlling board shall forthwith 2771  
approve or reject the commission's determination, conditional 2772  
approval, ~~and~~ the amount of the state's portion of the basic 2773  
project cost, and, if the state's portion exceeds forty million 2774  
dollars, the amount of the state's portion to be encumbered in the 2775  
current fiscal biennium. In the event of approval thereof by the 2776  
controlling board, the commission shall certify such conditional 2777  
approval to the school district board and shall encumber from the 2778  
total funds appropriated for the purpose of sections 3318.01 to 2779  
3318.20 of the Revised Code the amount of the state's portion of 2780  
the basic project cost or, if the state's portion exceeds forty 2781  
million dollars, the amount approved under this section to be 2782  
encumbered in the current fiscal biennium. 2783

The basic project cost for a project approved under this 2784  
section shall not exceed the cost that would otherwise have to be 2785  
incurred if the classroom facilities to be constructed, acquired, 2786  
or reconstructed, or the additions to be made to classroom 2787  
facilities, under such project meet, but do not exceed, the 2788

specifications for plans and materials for classroom facilities 2789  
adopted by the commission. 2790

No school district shall have a project conditionally 2791  
approved pursuant to this section if the project includes the 2792  
reconstruction of, or the making of additions to, any classroom 2793  
facilities that were constructed, acquired, reconstructed, or 2794  
added to as part of a project funded under any version of sections 2795  
3318.01 to 3318.20 of the Revised Code, and the prior project was 2796  
one for which the electors of such district approved a levy within 2797  
the last ten years pursuant to any version of section 3318.06 of 2798  
the Revised Code for purposes of qualifying for the funding of 2799  
that project. 2800

Sec. 3318.11. For any project for which the state's portion 2801  
of the basic project cost exceeds forty million dollars, the 2802  
amount of state appropriations to be encumbered for the project in 2803  
each fiscal biennium shall be determined by the Ohio school 2804  
facilities commission based on the project's estimated 2805  
construction schedule for that biennium. In each fiscal biennium 2806  
subsequent to the first biennium in which state appropriations are 2807  
encumbered for the project, the project has priority for state 2808  
funds over projects for which initial state funding is sought. 2809

**Sec. 3318.12.** The Ohio school facilities commission shall 2810  
cause to be transferred to the school district's project 2811  
construction fund the necessary amounts from amounts appropriated 2812  
by the general assembly and set aside for such purpose, from time 2813  
to time as may be necessary to pay obligations chargeable to such 2814  
fund when due. The All investment earnings of a school district's 2815  
project construction fund shall be credited to the fund. 2816

The treasurer of the school district board shall disburse 2817  
funds from the school district's project construction fund, 2818  
including investment earnings credited to the fund, only upon the 2819

approval of the commission or the commission's designated 2820  
representative. The commission or the commission's designated 2821  
representative shall issue vouchers against such fund, in such 2822  
amounts, and at such times as required by the contracts for 2823  
construction of the project. 2824

After the project has been completed: 2825

(A) Any investment earnings remaining in the project 2826  
construction fund that are attributable to the school district's 2827  
contribution to the fund shall be transferred to the district's 2828  
maintenance fund required by division (B) of section 3318.05 of 2829  
the Revised Code, and the money shall be used solely for 2830  
maintaining the classroom facilities included in the project. 2831

(B) Any investment earnings remaining in the project 2832  
construction fund that are attributable to the state's 2833  
contribution to the fund shall be transferred to the commission 2834  
for expenditure pursuant to sections 3318.01 to 3318.20 of the 2835  
Revised Code. 2836

(C) Any other surplus remaining in the school district's 2837  
project construction fund after the project has been completed 2838  
shall be transferred to the commission and the school district 2839  
board in proportion to their respective contributions to the fund. 2840  
The commission shall use the money transferred to it under this 2841  
division for expenditure pursuant to sections 3318.01 to 3318.20 2842  
of the Revised Code; ~~provided, that if the final cost of the~~ 2843  
~~project is less than the amount of moneys paid into the school~~ 2844  
~~district's project construction fund by the school district board,~~ 2845  
~~the amount by which the school district's contribution exceeds the~~ 2846  
~~actual cost shall be returned to the school district board.~~ 2847

**Sec. 3318.15.** There is hereby created the public school 2848  
building fund within the state treasury consisting of all moneys 2849  
received from the sale of classroom facilities pursuant to 2850

sections 3318.01 to 3318.20 of the Revised Code, any moneys 2851  
transferred or appropriated to the fund by the general assembly, 2852  
and any grants, gifts, or contributions received by the Ohio 2853  
school facilities commission to be used for the purposes of the 2854  
fund. All investment earnings of the fund shall be credited to the 2855  
fund. 2856

Moneys transferred or appropriated to the fund by the general 2857  
assembly and moneys in the fund from grants, gifts, and 2858  
contributions shall be used to acquire classroom facilities for 2859  
sale to school districts pursuant to sections 3318.01 to 3318.20 2860  
of the Revised Code. The moneys in the fund received from the sale 2861  
of classroom facilities shall be held in a separate account in the 2862  
fund. Such moneys may be used partially to acquire additional 2863  
classroom facilities for sale to school districts pursuant to 2864  
sections 3318.01 to 3318.20 and partially to pay bond service 2865  
charges as defined in division (C) of section 3318.21 of the 2866  
Revised Code on obligations, the proceeds of which are deposited 2867  
into the school districts facilities fund created in section 2868  
3318.23 of the Revised Code. 2869

**Sec. 3318.25.** There is hereby created in the state treasury 2870  
the school building program assistance fund. The fund shall 2871  
consist of the proceeds of obligations issued for the purposes of 2872  
such fund pursuant to section 3318.26 of the Revised Code that are 2873  
payable from moneys in the lottery profits education fund created 2874  
in section 3770.06 of the Revised Code. All investment earnings of 2875  
the fund shall be credited to the fund. Moneys in the fund shall 2876  
be used as directed by the Ohio school facilities commission for 2877  
the cost to the state of acquiring classroom facilities for sale 2878  
to school districts pursuant to sections 3318.01 to 3318.20 of the 2879  
Revised Code. 2880

Sec. 3345.50. Notwithstanding anything to the contrary in 2881  
sections 123.01, and 123.15, ~~and 153.01 to 153.20~~ of the Revised 2882  
Code, a state university, the medical college of Ohio at Toledo, a 2883  
state community college, or the northeastern Ohio universities 2884  
college of medicine may ~~locally~~ administer a any capital 2885  
facilities project for the construction, reconstruction, 2886  
improvement, renovation, enlargement, or alteration of a public 2887  
improvement under its jurisdiction for which the total amount of 2888  
funds expected to be appropriated by the general assembly does not 2889  
exceed four million dollars without the supervision, control, or 2890  
approval of the department of administrative services as specified 2891  
in those sections, if both of the following occur: 2892

(A) Within sixty days after the effective date of the section 2893  
of an act in which the general assembly initially makes an 2894  
appropriation for the project, the board of trustees of the 2895  
institution notifies the Ohio board of regents in writing of its 2896  
intent to administer the capital facilities project ~~locally~~; 2897

(B) The board of trustees complies with the guidelines 2898  
established pursuant to ~~division (A) of~~ section ~~125.101~~ 153.16 of 2899  
the Revised Code and all laws that govern the selection of 2900  
consultants, preparation and approval of contract documents, 2901  
receipt of bids, and award of contracts with respect to the 2902  
project. 2903

The board of regents shall adopt rules in accordance with 2904  
Chapter 119. of the Revised Code that establish criteria for the 2905  
administration by any such institution of higher education of a 2906  
capital facilities project for which the total amount of funds 2907  
expected to be appropriated by the general assembly exceeds four 2908  
million dollars. The criteria, to be developed with the department 2909  
of administrative services and higher education representatives 2910  
selected by the board of regents, shall include such matters as 2911

the adequacy of the staffing levels and expertise needed for the 2912  
institution to administer the project, past performance of the 2913  
institution in administering such projects, and the amount of 2914  
institutional or other nonstate money to be used in financing the 2915  
project. The board of regents and the department of administrative 2916  
services shall approve the request of any such institution of 2917  
higher education that seeks to administer any such capital 2918  
facilities project and meets the criteria set forth in the rules 2919  
and in the requirements of division (B) of this section. 2920

**Sec. 3379.10.** (A) Recognizing this state's responsibility to 2921  
foster culture and the arts and to encourage the development of 2922  
artists and ~~craftsmen~~ craftspersons, the general assembly declares 2923  
it a policy of this state that a portion of the money to be spent 2924  
by state agencies on the construction or renovation of public 2925  
buildings be spent on the acquisition of works of art to be placed 2926  
in or on such buildings. In pursuit of this policy, there is 2927  
hereby established the per cent for arts program, under which 2928  
quality works of art are to be sold to such agencies by the Ohio 2929  
arts council and, in the process, qualified professional artists 2930  
are to be recognized. 2931

(B) As used in this section: 2932

(1) "Appropriation" does not include a reappropriation. 2933

(2) "Proceeds" does not include the proceeds of bonds, notes, 2934  
or other obligations issued in anticipation of the issuance of, or 2935  
to refund, other bonds, notes, or other obligations. 2936

(3) "Public building" means any building, facility, 2937  
structure, or park built or renovated using state money, including 2938  
any publicly owned lands or space surrounding or integral to the 2939  
building, facility, structure, or park but not including: 2940

(a) Parking lots, sidewalks, maintenance sheds, bridges, 2941

tunnels, sewers, trails, fishponds and fishways, or warehouses,	2942
unless such structures are adjuncts of the principal element of	2943
the project;	2944
(b) Buildings of a temporary nature;	2945
(c) Projects to correct any deficiencies or violations of a	2946
building or housing code enacted by law;	2947
(d) Highway construction.	2948
(4) "Renovation" does not include a project of which the	2949
principal purpose is the rehabilitation of plumbing, heating,	2950
ventilating, air conditioning, or electrical systems.	2951
(5) "State agency" has the same meaning as in section 1.60 of	2952
the Revised Code and includes a state university or college, a	2953
community college established under Chapter 3354. of the Revised	2954
Code, or a technical college established under Chapter 3357. of	2955
the Revised Code.	2956
(6) "Work of art" includes all forms of original creations of	2957
visual art, including, but not limited to:	2958
(a) Paintings, including all media and both portable and	2959
permanently affixed works of art such as murals;	2960
(b) Sculpture, including bas-relief, high relief, mobile,	2961
fountain, kinetic, environmental, electronic, and in-the-round	2962
sculpture;	2963
(c) Prints, calligraphy, clay, drawings, stained glass,	2964
mosaics, photographs, fiber and textiles, wood, metal, plastics,	2965
and other materials or combination of materials;	2966
(d) Mixed media, including any combination of forms of media.	2967
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(C) Except as otherwise provided in division (D) of this	2969
section, whenever more than four million dollars of state money,	2970

whether obtained from the sale of bonds or otherwise, is to be  
spent by a state agency on the construction or renovation of a  
public building, the agency that contracts for the construction or  
renovation, consistent with division (G) of this section, shall  
contract with the council to use one per cent of the state money  
appropriated for the project or, if applicable, one per cent of  
the nonappropriated state proceeds of bonds, notes, or other  
obligations authorized to be sold for the project, to purchase  
works of art from the council for display in or on the public  
building and to make related outlays under division (E) of this  
section. The council, subject to the approval of the director of  
budget and management, shall fix the prices at which it sells  
works of art for the project to the state agency contracting for  
construction or renovation. The calculation of whether more than  
four million dollars is to be spent shall not be cumulative but  
shall be based on the amount of each appropriation or each  
designation of nonappropriated state proceeds of bonds, notes, or  
other obligations authorized to be sold for a project.

(D)(1) Notwithstanding division (C) of this section, the  
director of budget and management, after consulting with the  
council about the matter, may determine that no state money, or a  
percentage less than one per cent of the amount specified in that  
division, shall be spent to purchase works of art from the council  
and to make related outlays under division (E) of this section if  
the director of budget and management feels that works of art  
would be out of place in or on the public building, that there  
will be little opportunity for public appreciation of works of art  
in or on the public building, that the value of some features or  
characteristics inherent in the architectural design of the public  
building should apply toward the one per cent requirement, or that  
the public building is or will be amply supplied with works of art  
even without works of art purchased from the council under

division (C) of this section. ~~The director of budget and~~ 3003  
~~management, in accordance with Chapter 119. of the Revised Code,~~ 3004  
~~may adopt, and may amend or rescind, rules establishing a~~ 3005  
~~procedure whereby state agencies may obtain from the director~~ 3006  
~~reconsideration of his determination under this division.~~ The 3007  
director shall make all final decisions with regard to whether and 3008  
to what extent a construction or renovation project is subject to 3009  
division (C) or (D) of this section. 3010

(2) Not later than forty-five days after the effective date 3011  
of a section of an act providing that more than four million 3012  
dollars of state money is to be spent by a state agency on the 3013  
construction or renovation of a public building, the director of 3014  
budget and management shall prepare a preliminary report listing 3015  
each appropriation and each designation of nonappropriated state 3016  
proceeds of more than four million dollars for the construction or 3017  
renovation of a public building, and indicating the amount of the 3018  
appropriation or designation that shall be spent for the per cent 3019  
for arts program. The amount specified to be spent for the per 3020  
cent for arts program amount shall take into account any 3021  
determination made by the director under division (D)(1) of this 3022  
section. The director shall send a copy of the preliminary report 3023  
to the council and to each state agency that received an 3024  
appropriation or nonappropriated state proceeds of more than four 3025  
million dollars for the construction or renovation of a public 3026  
building under the act. 3027

(3) Not later than thirty days after the director sends the 3028  
preliminary report required under division (D)(2) of this section, 3029  
a state agency may deliver to the director of budget and 3030  
management a request for the director to make a determination 3031  
under division (D)(1) of this section or to reconsider a 3032  
determination made under that division. If the director approves 3033  
the request, the director shall revise the preliminary report 3034

consistent with the approved request. Not later than forty-five 3035  
days after sending a preliminary report, the director shall send a 3036  
final report to the council and to each state agency referred to 3037  
in division (D)(2) of this section. 3038

(E)(1) Where appropriated state money will be used to 3039  
purchase works of art from the council under division (C) or (D) 3040  
of this section, the state agency that has contracted to purchase 3041  
the works of art shall make payment to the council for the works 3042  
of art and related costs as follows: 3043

(a) The state agency shall encumber sufficient money to pay 3044  
for the purchase and installation of the works of art and shall 3045  
authorize the council to make payments against those encumbrances 3046  
for the purchase and installation of the works of art. The council 3047  
shall use the encumbered money to acquire and install the works of 3048  
art. 3049

(b) If the council expects to make expenditures in connection 3050  
with the selection of artists for a specific project, including 3051  
expenditures for printing or for jurors, the council shall 3052  
estimate the amount of such expenditures it expects to make and 3053  
certify that amount to the state agency and to the director of 3054  
budget and management. Upon determining that there is an 3055  
unobligated balance in an appropriation for the state agency that 3056  
may be used for the purpose, the director of budget and management 3057  
shall transfer the amount certified from the appropriation to the 3058  
per cent for art acquisitions fund, which is hereby created in the 3059  
state treasury, on an intrastate transfer voucher. The fund shall 3060  
be used by the council to pay costs it incurs in connection with 3061  
the selection of artists for specific projects, including costs 3062  
for printing and for jurors. 3063

All amounts encumbered or transferred under division 3064  
(E)(1)(a) or (b) of this section shall be applied toward the 3065  
percentage requirement of division (C) or (D) of this section. 3066

(2) Where nonappropriated state proceeds of bonds, notes, or other obligations will be used to purchase works of art from the council under division (C) or (D) of this section, the state agency that has contracted to purchase the works of art shall make payment to the council for the works of art and related costs as follows:

(a) The council shall submit to the state agency invoices requesting payment for the purchase and installation of the works of art.

(b) If the council expects to make expenditures in connection with the selection of artists for a specific project, including expenditures for printing or for jurors, the council shall estimate the amount of such expenditures it expects to make and submit to the state agency invoices requesting payment in that amount. The state agency shall promptly remit payment to the council in the amounts of all such invoices. Such remittances shall be deposited in the state treasury to the credit of the per cent for art acquisitions fund.

All amounts remitted under this division shall be applied toward the percentage requirement of division (C) or (D) of this section.

(F) The council shall consult with the chief executive officer, or ~~his~~ the officer's designee, of either the state agency spending state money on the construction or renovation or the state agency or agencies occupying or to occupy a public building for which the council will supply a work of art, or both, before making decisions about the following:

(1) Which works of art will be purchased and on which sites they will be placed;

(2) Which artists, if any, will be commissioned to create a work of art;

(3) The sale, exchange, and disposition of works of art used 3098  
in the program. 3099

(G) The council shall make all final decisions in regard to 3100  
the matters described in divisions (F)(1) to (3) of this section. 3101

(H) Each state agency that has purchased works of art from 3102  
the council under division (C) or (D) of this section shall 3103  
maintain the works of art and pay the costs of maintenance. Money 3104  
spent by the agency for maintenance of the works of art shall not 3105  
be applied toward the percentage requirement of division (C) or 3106  
(D) of this section. 3107

**Sec. 4141.13.** In addition to all other duties imposed on the 3108  
administrator of the bureau of employment services and powers 3109  
granted by this chapter, the administrator may: 3110

(A) Adopt and enforce reasonable rules relative to the 3111  
exercise of the administrator's powers and authority, and proper 3112  
rules to govern the administrator's proceedings and to regulate 3113  
the mode and manner of all investigations and hearings; 3114

(B) Prescribe the time, place, and manner of making claims 3115  
for benefits under such sections, the kind and character of 3116  
notices required thereunder, the procedure for investigating, 3117  
hearing, and deciding claims, the nature and extent of the proofs 3118  
and evidence and the method of furnishing and taking such proofs 3119  
and evidence to establish the right to benefits, and the method 3120  
and time within which adjudication and awards shall be made; 3121

(C) Adopt rules with respect to the collection, maintenance, 3122  
and disbursement of the unemployment and administrative funds; 3123

(D) Amend and modify any of the administrator's rules from 3124  
time to time in such respects as the administrator finds necessary 3125  
or desirable; 3126

(E) Employ, subject to Chapter 124. of the Revised Code, 3127

secretaries, deputies, accountants, managers of district offices, 3128  
clerks, stenographers, and other assistants that are required for 3129  
the administration of this chapter, sections 4101.25 to 4101.30 3130  
and 4115.03 to 4115.16, and Chapters 4109., 4111., and 4167. of 3131  
the Revised Code, and determine their salaries and duties; 3132  
provided that notwithstanding Chapter 124. of the Revised Code, no 3133  
provisional appointments shall extend for a period of more than 3134  
six months, except that for the duration of the war emergency such 3135  
provisional appointments may be extended upon compliance with the 3136  
personnel standards of the proper agency of the United States 3137  
relating thereto, and such six months limitation does not apply to 3138  
the appointment of employees engaged in the physical maintenance 3139  
of buildings occupied by the bureau of employment services; 3140

(F) Appoint advisors or advisory employment committees, by 3141  
local districts or by industries, who shall, without compensation 3142  
but with reimbursements for necessary expenses, assist the 3143  
administrator in the execution of the administrator's duties; 3144

(G) Require all employers, including employers not otherwise 3145  
subject to this chapter, to furnish to the administrator 3146  
information concerning the amount of wages paid, the number of 3147  
employees employed and the regularity of their employment, the 3148  
number of employees hired, laid off, and discharged from time to 3149  
time and the reasons therefor and the numbers that quit 3150  
voluntarily, and other and further information respecting any 3151  
other facts required for the proper administration of this 3152  
chapter; 3153

(H) Classify generally industries, businesses, occupations, 3154  
and employments, and employers individually, as to the hazard of 3155  
unemployment in each business, industry, occupation, or 3156  
employment, and as to the particular hazard of each employer, 3157  
having special reference to the conditions of regularity and 3158  
irregularity of the employment provided by such employer and of 3159

the fluctuations in payrolls of such employer;	3160
(I) Determine the contribution rates upon employers subject to this chapter, and provide for the levy and collection of the contributions from such employers;	3161 3162 3163
(J) Receive, hear, and decide claims for unemployment benefits, and provide for the payment of such claims as are allowed;	3164 3165 3166
(K) Promote the regularization of employment and the prevention of unemployment;	3167 3168
(L) Encourage and assist in the adoption of practical methods of vocational training, retraining, and vocational guidance;	3169 3170 3171
(M) Investigate, recommend, and advise and assist in the establishment and operation by municipal corporations, counties, school districts, and the state of prosperity reserves of public work to be prosecuted in times of business depression and unemployment;	3172 3173 3174 3175 3176
(N) Promote the re-employment of unemployed workers throughout the state in any other way that may be feasible, and take all appropriate steps within the administrator's means to reduce and prevent unemployment;	3177 3178 3179 3180
(O) Carry on and publish the results of any investigations and research that the administrator deems relevant;	3181 3182
(P) Make such reports to the proper agency of the United States created by the "Social Security Act" as that agency requires, and comply with such provisions as the agency finds necessary to assure the correctness and verification of such reports;	3183 3184 3185 3186 3187
(Q) Make available upon request to any agency of the United States charged with the administration of public works or	3188 3189

assistance through public employment the name, address, ordinary 3190  
occupation, and employment status of each recipient of 3191  
unemployment benefits under this chapter, and a statement of such 3192  
recipient's rights to further benefits under this chapter; 3193

(R) Make such investigations, secure and transmit such 3194  
information, make available such services and facilities, and 3195  
exercise such of the other powers provided by this section with 3196  
respect to the administration of this chapter, as the 3197  
administrator deems necessary or appropriate to facilitate the 3198  
administration of the unemployment compensation law or public 3199  
employment service laws of this state and of other states and the 3200  
United States, and in like manner accept and utilize information, 3201  
services, and facilities made available to this state by the 3202  
agency charged with the administration of any such other 3203  
unemployment compensation or public employment service laws; 3204

(S) Enter into or cooperate in arrangements whereby 3205  
facilities and services provided under the unemployment 3206  
compensation law of ~~the Dominion of~~ Canada may be utilized for the 3207  
taking of claims and the payment of benefits under the 3208  
unemployment compensation law of this state or under a similar law 3209  
of ~~the Dominion of~~ Canada; 3210

(T) Transfer surplus computers and computer equipment 3211  
directly to a chartered public school within the state, 3212  
notwithstanding sections 125.12 to 125.14 Of the Revised Code. The 3213  
computers and computer equipment may be repaired or refurbished 3214  
prior to the transfer, and the public school may be charged a 3215  
service fee not to exceed the direct cost of repair or 3216  
refurbishing. 3217

**Sec. 5119.16.** The department of mental health is hereby 3218  
designated to provide certain goods and services for the 3219  
department of mental health, the department of mental retardation 3220

and developmental disabilities, the department of rehabilitation 3221  
and correction, the department of youth services, and other state, 3222  
county, or municipal agencies requesting such goods and services 3223  
when the department of mental health determines that it is in the 3224  
public interest, and considers it advisable, to provide these 3225  
goods and services. The department of mental health also may 3226  
provide goods and services to agencies operated by the United 3227  
States government and to public or private nonprofit agencies 3228  
funded in whole or in part by the state if the public or private 3229  
nonprofit agencies are designated for participation in this 3230  
program by the director of mental health for community mental 3231  
health agencies, the director of mental retardation and 3232  
developmental disabilities for community mental retardation and 3233  
developmental disabilities agencies, the director of 3234  
rehabilitation and correction for community rehabilitation and 3235  
correction agencies, or the director of youth services for 3236  
community youth services agencies. The director of aging may 3237  
designate for participation community agencies holding a contract 3238  
with an area agency on aging established under the "Older 3239  
Americans Act," 79 Stat. 219, 42 U.S.C.A. 3001, as amended. 3240  
Designated community agencies shall receive goods and services 3241  
through the department of mental health only in those cases where 3242  
the designating state agency certifies that providing such goods 3243  
and services to the agency will conserve public resources to the 3244  
benefit of the public and where the provision of such goods and 3245  
services is considered feasible by the department of mental 3246  
health. 3247

Purchases of goods or services under this section are not 3248  
subject to section 307.86 of the Revised Code. 3249

(A) The goods and services to be provided by the department 3250  
of mental health may include: 3251

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;	3252 3253
(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, <u>subject to section 5120.135 Of the Revised Code;</u>	3254 3255 3256 3257
<del>(3) Performance of medical laboratory analysis and professional laboratory and pathologist consultation;</del>	3258 3259
<del>(4)</del> Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;	3260 3261 3262
<del>(5) Operation or leasing of farms and woodland, and distribution or sale of products thereof;</del>	3263 3264
<del>(6) Operation of regional laundries and dry cleaning plants, and procurement, storage, and distribution of linens;</del>	3265 3266
<del>(7)</del> <u>(4)</u> Other goods and services as may be agreed to.	3267
(B) The department of mental health shall provide the goods and services designated in division (A) of this section to its institutions and to state-operated community-based mental health services.	3268 3269 3270 3271
(C) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health shall provide the goods and services designated in division (A) of this section to the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, and the department of youth services.	3272 3273 3274 3275 3276 3277 3278 3279
(D) The cost of administration of this section shall be determined by the department of mental health and paid by the	3280 3281

agencies receiving the goods and services to the department for 3282  
deposit in the state treasury to the credit of the mental health 3283  
fund, which is hereby created. The fund shall be used to pay the 3284  
cost of administration of this section to the department. 3285

(E) If the goods or services designated in division (A) of 3286  
this section are not provided in a satisfactory manner by the 3287  
department of mental health, the director of mental retardation 3288  
and developmental disabilities, the director of rehabilitation and 3289  
correction, the director of youth services, or the managing 3290  
officer of a department of mental health institution shall attempt 3291  
to resolve unsatisfactory service with the director of mental 3292  
health. If, after such attempt, the provision of goods or services 3293  
continues to be unsatisfactory, the director or officer shall 3294  
notify the director of mental health. If within thirty days of 3295  
such notice the department of mental health does not provide the 3296  
specified goods and services in a satisfactory manner, the 3297  
director of mental retardation and developmental disabilities, the 3298  
director of rehabilitation and correction, the director of youth 3299  
services, or the managing officer of the department of mental 3300  
health institution shall notify the director of mental health of 3301  
his the director's or managing officer's intent to cease 3302  
purchasing goods and services from the department. Following a 3303  
sixty-day cancellation period from the date of such notice, the 3304  
department of mental retardation, department of rehabilitation and 3305  
correction, department of youth services, or the department of 3306  
mental health institution may obtain the goods and services from a 3307  
source other than the department of mental health, if the 3308  
department certifies to the department of administrative services 3309  
that the requirements of this division have been met. 3310

(F) Whenever a state agency fails to make a payment for goods 3311  
and services provided under this section within thirty-one days 3312  
after the date the payment was due, the office of budget and 3313

management may transfer moneys from the state agency to the  
department of mental health. The amount transferred shall not  
exceed the amount of overdue payments. Prior to making a transfer  
under this division, the office of budget and management shall  
apply any credits the state agency has accumulated in payments for  
goods and services provided under this section.

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Sec. 5120.135. (A) As used in this section, "laboratory  
services" includes the performance of medical laboratory analysis;  
professional laboratory and pathologist consultation; the  
procurement, storage, and distribution of laboratory supplies; and  
the performance of phlebotomy services.

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(B) The department of rehabilitation and correction shall  
provide laboratory services to the departments of mental health,  
mental retardation and developmental disabilities, youth services,  
and rehabilitation and correction. The department of  
rehabilitation and correction may also provide laboratory services  
to other state, county, or municipal agencies and to private  
persons that request laboratory services if the department of  
rehabilitation and correction determines that the provision of  
laboratory services is in the public interest and considers it  
advisable to provide such services. The department of  
rehabilitation and correction may also provide laboratory services  
to agencies operated by the United States government and to public  
and private entities funded in whole or in part by the state if  
the director of rehabilitation and correction designates them as  
eligible to receive such services.

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The department of rehabilitation and correction shall provide  
laboratory services from a laboratory that complies with the  
standards for certification set by the United States department of  
health and human services under the "Clinical Laboratory  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a.  
In addition, the laboratory shall maintain accreditation or

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certification with an appropriate accrediting or certifying 3346  
organization as considered necessary by the recipients of its 3347  
laboratory services and as authorized by the director of 3348  
rehabilitation and correction. 3349

(C) The cost of administering this section shall be 3350  
determined by the department of rehabilitation and correction and 3351  
shall be paid by entities that receive laboratory services to the 3352  
department for deposit in the state treasury to the credit of the 3353  
laboratory services fund, which is hereby created. The fund shall 3354  
be used to pay the costs the department incurs in administering 3355  
this section. 3356

(D) If the department of rehabilitation and correction does 3357  
not provide laboratory services under this section in a 3358  
satisfactory manner to the department of mental retardation and 3359  
developmental disabilities, youth services, or mental health, the 3360  
director of mental retardation and developmental disabilities, 3361  
youth services, or mental health shall attempt to resolve the 3362  
matter of the unsatisfactory provision of services with the 3363  
director of rehabilitation and correction. If, after this attempt, 3364  
the provision of laboratory services continues to be 3365  
unsatisfactory, the director of mental retardation and 3366  
developmental disabilities, youth services, or mental health shall 3367  
notify the director of rehabilitation and correction regarding the 3368  
continued unsatisfactory provision of laboratory services. If, 3369  
within thirty days after the director receives this notice, the 3370  
department of rehabilitation and correction does not provide the 3371  
specified laboratory services in a satisfactory manner, the 3372  
director of mental retardation and developmental disabilities, 3373  
youth services, or mental health shall notify the director of 3374  
rehabilitation and correction of the notifying director's intent 3375  
to cease obtaining laboratory services from the department of 3376  
rehabilitation and correction. Following the end of a cancellation 3377

period of sixty days that begins on the date of the notice, the 3378  
department that sent the notice may obtain laboratory services 3379  
from a provider other than the department of rehabilitation and 3380  
correction, if the department that sent the notice certifies to 3381  
the department of administrative services that the requirements of 3382  
this division have been met. 3383

(E) Whenever a state agency fails to make a payment for 3384  
laboratory services provided to it by the department of 3385  
rehabilitation and correction under this section within thirty-one 3386  
days after the date the payment was due, the office of budget and 3387  
management may transfer moneys from that state agency to the 3388  
department of rehabilitation and correction for deposit to the 3389  
credit of the laboratory services fund. the amount transferred 3390  
shall not exceed the amount of the overdue payments. prior to 3391  
making a transfer under this division, the office shall apply any 3392  
credits the state agency has accumulated in payment for laboratory 3393  
services provided under this section. 3394

**Sec. 5739.024.** (A)(1) A board of county commissioners may by 3395  
resolution adopted by a majority of the members of the board, levy 3396  
an excise tax not to exceed three per cent on transactions by 3397  
which lodging by a hotel is or is to be furnished to transient 3398  
guests. The board shall establish all regulations necessary to 3399  
provide for the administration and allocation of the tax. Except 3400  
as otherwise provided in ~~division~~ divisions (A)(2) and (3) of this 3401  
section, the regulations shall provide, after deducting the real 3402  
and actual costs of administering the tax, for the return to each 3403  
municipal corporation or township that does not levy an excise tax 3404  
on such transactions, a uniform percentage of the tax collected in 3405  
the municipal corporation or in the unincorporated portion of the 3406  
township from each such transaction, not to exceed thirty-three 3407  
and one-third per cent. The remainder of the revenue arising from 3408  
the tax shall be deposited in a separate fund and shall be spent 3409

solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of such remainder pursuant to an agreement authorized by section 307.695 of the Revised Code. Except as otherwise provided under division (A)(2) or (3) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been so pledged.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on ~~the effective date of this amendment~~ June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code, may amend the resolution levying that tax to provide for an increase in the rate of the tax up to five per cent on each transaction; to provide that revenue from the increase in the rate shall be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; to provide that the rate in excess of the three per cent

levied under division (A)(1) of this section shall remain in 3442  
effect at the rate at which it is imposed for the duration of the 3443  
period during which any agreement is in effect that was entered 3444  
into under section 307.695 of the Revised Code by the board of 3445  
county commissioners levying a tax under division (A)(1) of this 3446  
section; and to provide that no portion of that revenue need be 3447  
returned to townships or municipal corporations as would otherwise 3448  
be required under division (A)(1) of this section. 3449

(3) A board of county commissioners that levies a tax under 3450  
division (A)(1) of this section on the effective date of this 3451  
amendment at a rate of three per cent may, by resolution adopted 3452  
not later than forty-five days after that effective date, amend 3453  
the resolution levying the tax to provide for all of the 3454  
following: 3455

(a) That the rate of the tax shall be increased by not more 3456  
than an additional four per cent on each transaction; 3457

(b) That all of the revenue from the increase in rate shall 3458  
be pledged and contributed to a convention facilities authority 3459  
established by the board of county commissioners under Chapter 3460  
351. of the Revised Code on or before November 15, 1998, and used 3461  
to pay costs of constructing, maintaining, operating, and 3462  
promoting a facility in the county, including paying bonds, or 3463  
notes issued in anticipation of bonds, as provided by that 3464  
chapter; 3465

(c) That no portion of the revenue arising from the increase 3466  
in rate need be returned to municipal corporations or townships as 3467  
otherwise required under division (A)(1) of this section; 3468

(d) That the increase in rate shall not be subject to 3469  
diminution by initiative or referendum or by law while any bonds, 3470  
or notes in anticipation of bonds, issued by the authority under 3471  
Chapter 351. of the Revised Code to which the revenue is pledged 3472

remain outstanding in accordance with their terms, unless 3473  
provision is made by law or by the board of county commissioners 3474  
for an adequate substitute therefor that is satisfactory to the 3475  
trustee if a trust agreement secures the bonds. 3476

Division (A)(3) of this section does not apply to the board 3477  
of county commissioners of any county in which a convention center 3478  
or facility exists or is being constructed on November 15, 1998, 3479  
or of any county in which a convention facilities authority levies 3480  
a tax pursuant to section 351.021 of the Revised Code on that 3481  
date. 3482

As used in division (A)(3) of this section, "costs" and 3483  
"facility" have the same meanings as in section 351.01 of the 3484  
Revised Code, and "convention center" has the same meaning as in 3485  
section 307.695 Of the Revised Code. 3486

(B) The legislative authority of a municipal corporation or 3487  
the board of trustees of a township that is not wholly or partly 3488  
located in a county that has in effect a resolution levying an 3489  
excise tax pursuant to division (A)(1) of this section may by 3490  
ordinance or resolution levy an excise tax not to exceed three per 3491  
cent on transactions by which lodging by a hotel is or is to be 3492  
furnished to transient guests. The legislative authority of the 3493  
municipal corporation or township shall deposit at least fifty per 3494  
cent of the revenue from the tax levied pursuant to this division 3495  
into a separate fund, which shall be spent solely to make 3496  
contributions to convention and visitors' bureaus operating within 3497  
the county in which the municipal corporation or township is 3498  
wholly or partly located, and the balance of such revenue shall be 3499  
deposited in the general fund. The municipal corporation or 3500  
township shall establish all regulations necessary to provide for 3501  
the administration and allocation of the tax. The levy of a tax 3502  
under this division is in addition to any tax imposed on the same 3503  
transaction by a municipal corporation or a township as authorized 3504

by division (C)(1) of section 5739.02 of the Revised Code. 3505

(C) For the purpose of making the payments authorized by 3506  
section 307.695 of the Revised Code to construct and equip a 3507  
convention center in the county and to cover the costs of 3508  
administering the tax, a board of county commissioners of a county 3509  
where a tax imposed under division (A)(1) of this section is in 3510  
effect may, by resolution adopted within ninety days after July 3511  
15, 1985, by a majority of the members of the board, levy an 3512  
additional excise tax not to exceed three per cent on transactions 3513  
by which lodging by a hotel is or is to be furnished to transient 3514  
guests. The tax authorized by this division shall be in addition 3515  
to any tax that is levied pursuant to division (A) of this 3516  
section, but it shall not apply to transactions subject to a tax 3517  
levied by a municipal corporation or township pursuant to the 3518  
authorization granted by division (C)(1) of section 5739.02 of the 3519  
Revised Code. The board shall establish all regulations necessary 3520  
to provide for the administration and allocation of the tax. All 3521  
revenues arising from the tax shall be expended in accordance with 3522  
section 307.695 of the Revised Code. A tax imposed under this 3523  
section shall remain in effect at the rate at which it is imposed 3524  
for the duration of the period for which the revenue therefrom has 3525  
been pledged pursuant to such section. 3526

(D) For the purpose of providing contributions under division 3527  
(B)(1) of section 307.671 of the Revised Code to enable the 3528  
acquisition, construction, and equipping of a port authority 3529  
educational and cultural facility in the county and, to the extent 3530  
provided for in the cooperative agreement authorized by that 3531  
section, for the purpose of paying debt service charges on bonds, 3532  
or notes in anticipation thereof, described in division (B)(1)(b) 3533  
of that section, a board of county commissioners, by resolution 3534  
adopted within ninety days after December 22, 1992, by a majority 3535  
of the members of the board, may levy an additional excise tax not 3536

to exceed one and one-half per cent on transactions by which 3537  
lodging by a hotel is or is to be furnished to transient guests. 3538  
The excise tax authorized by this division shall be in addition to 3539  
any tax that is levied pursuant to divisions (A), (B), and (C) of 3540  
this section, to any excise tax levied pursuant to division (C) of 3541  
section 5739.02 of the Revised Code, and to any excise tax levied 3542  
pursuant to section 351.021 of the Revised Code. The board of 3543  
county commissioners shall establish all regulations necessary to 3544  
provide for the administration and allocation of the tax that are 3545  
not inconsistent with this section or section 307.671 of the 3546  
Revised Code. All revenues arising from the tax shall be expended 3547  
in accordance with section 307.671 of the Revised Code and 3548  
division (D) of this section. The levy of a tax imposed under this 3549  
section may not commence prior to the first day of the month next 3550  
following the execution of the cooperative agreement authorized by 3551  
section 307.671 of the Revised Code by all parties to that 3552  
agreement. Such tax shall remain in effect at the rate at which it 3553  
is imposed for the period of time described in division (C) of 3554  
section 307.671 of the Revised Code for which the revenue from the 3555  
tax has been pledged by the county to the corporation pursuant to 3556  
such section, but, to any extent provided for in the cooperative 3557  
agreement, for no lesser period than the period of time required 3558  
for payment of the debt service charges on bonds, or notes in 3559  
anticipation thereof, described in division (B)(1)(b) of that 3560  
section. 3561

(E) For the purpose of paying the costs of acquiring, 3562  
constructing, equipping, and improving a municipal educational and 3563  
cultural facility, including debt service charges on bonds 3564  
provided for in division (B) of section 307.672 of the Revised 3565  
Code, and for such additional purposes as are determined by the 3566  
county in the resolution levying the tax or amendments thereto, 3567  
the legislative authority of a county, by resolution adopted 3568

within ninety days after June 30, 1993, by a majority of the 3569  
members of the legislative authority, may levy an additional 3570  
excise tax not to exceed one and one-half per cent on transactions 3571  
by which lodging by a hotel is or is to be furnished to transient 3572  
guests. The excise tax authorized by this division shall be in 3573  
addition to any tax that is levied pursuant to divisions (A), (B), 3574  
(C), and (D) of this section, to any excise tax levied pursuant to 3575  
division (C) of section 5739.02 of the Revised Code, and to any 3576  
excise tax levied pursuant to section 351.021 of the Revised Code. 3577  
The legislative authority of the county shall establish all 3578  
regulations necessary to provide for the administration and 3579  
allocation of the tax. All revenues arising from the tax shall be 3580  
expended in accordance with section 307.672 of the Revised Code 3581  
and division (E) of this section. The levy of a tax imposed under 3582  
this division shall not commence prior to the first day of the 3583  
month next following the execution of the cooperative agreement 3584  
authorized by section 307.672 of the Revised Code by all parties 3585  
to that agreement. Such tax shall remain in effect at the rate at 3586  
which it is imposed for the period of time determined by the 3587  
legislative authority of the county, but not to exceed fifteen 3588  
years. 3589

**Section 2.** That existing sections 111.15, 119.01, 123.15, 3590  
125.023, 125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 133.04, 3591  
133.06, 153.01, 153.04, 153.05, 153.06, 153.07, 153.08, 153.09, 3592  
153.10, 153.11, 153.12, 153.17, 153.32, 153.33, 153.34, 153.50, 3593  
153.571, 153.62, 351.01, 351.03, 351.141, 3301.0716, 3304.16, 3594  
3315.01, 3316.03, 3317.0212, 3317.03, 3318.03, 3318.04, 3318.12, 3595  
3318.15, 3318.25, 3345.50, 3379.10, 4141.13, 5119.16, and 5739.024 3596  
and section 3345.51 of the Revised Code are hereby repealed. 3597

**Section 3.** All items set forth in Sections 3.01 to 3.06 of 3598  
this act are hereby appropriated out of any moneys in the General 3599

Revenue Fund (GRF) that are not otherwise appropriated.	3600	
Appropriations	3601	
<b>Section 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>	3602	
CAP-785    Rural Areas Historical Projects	\$          440,000	3603
CAP-786    Rural Areas Community Improvements	\$         5,315,000	3604
CAP-817    Urban Areas Community Improvements	\$        12,508,150	3605
CAP-818    Community Theatre Renovations	\$          400,000	3606
Total Department of Administrative Services	\$        18,663,150	3607
<u>Rural Areas Historical Projects</u>	3608	
Of the foregoing appropriation item CAP-785, Rural Areas	3609	
Historical Projects, \$100,000 shall be used for Hancock County	3610	
Historical Society Facility Improvements; \$40,000 shall be used	3611	
for Harveysburg Community Historic Society; \$50,000 shall be used	3612	
for Wood County Historical Museum - Old Public Hospital	3613	
Restoration; \$200,000 shall be used for James A. Garfield Historic	3614	
Site Improvements; and \$50,000 shall be used for Elmore Historical	3615	
Society.	3616	
<u>Rural Areas Community Improvements</u>	3617	
Of the foregoing appropriation item CAP-786, Rural Areas	3618	
Community Improvements, \$100,000 shall be used for Hocking Valley	3619	
Railroad Improvements; \$50,000 shall be used for Belmont County	3620	
Park District - Convention Center; \$70,000 shall be used for	3621	
Aberdeen Huntington Community Center; \$100,000 shall be used for	3622	
Chrisholm Historic Farmstead Restoration; \$100,000 shall be used	3623	
for Clinton County Senior Center; \$150,000 shall be used for	3624	
Coshocton Infrastructure Improvements; \$200,000 shall be used for	3625	
Coshocton Visitors' and Convention Bureau; \$20,000 shall be used	3626	
for Warsaw Community Improvements; \$100,000 shall be used for	3627	
Washington Court House Downtown Redevelopment; \$80,000 shall be	3628	
used for Gallia County Industrial Park Improvements; \$150,000	3629	

shall be used for Desmond Hall Industrial Park; \$100,000 shall be 3630  
used for Kenton Armory Improvements; \$162,000 shall be used for 3631  
Sinking Springs Infrastructure Improvements; \$20,000 shall be used 3632  
for Laurelville Community Improvements; \$16,000 shall be used for 3633  
Gibisonville Community Recreation Center Improvements; \$150,000 3634  
shall be used for Holmes County Historic Building Improvements; 3635  
\$500,000 shall be used for Davis-Shai House Historical Site; 3636  
\$100,000 shall be used for Maritime Museum in Vermillion; \$100,000 3637  
shall be used for Meadowbrook Park Ballroom Restoration; \$90,000 3638  
shall be used for Big Island Nature Center Improvements; \$300,000 3639  
shall be used for Medina County Arts Center Improvements; \$142,000 3640  
shall be used for Graysville Community Center; \$49,000 shall be 3641  
used for Roseville Community Center Improvements; \$100,000 shall 3642  
be used for South Zanesville Community Improvements; \$20,000 shall 3643  
be used for Corning Community Center; \$50,000 shall be used for 3644  
Waverly Community Improvements; \$20,000 shall be used for 3645  
Garrettsville Veterans Memorial; \$6,000 shall be used for Palmyra 3646  
Township Veterans Memorial; \$100,000 shall be used for Deerfield 3647  
Township Hall Civic Improvements; \$35,000 shall be used for Preble 3648  
County Coliseum Planning; \$300,000 shall be used for Richland 3649  
Academy of Arts and Sciences Discovery Center; \$50,000 shall be 3650  
used for Village of Pleasant Plain Community Improvements; \$48,000 3651  
shall be used for Village of South Lebanon Infrastructure 3652  
Improvements; \$41,000 shall be used for Rehabilitate Senior 3653  
Housing - Waynesville; \$40,000 shall be used for Ambrose Hall 3654  
Museum - Belpre; \$100,000 shall be used for New Matamoras Senior 3655  
Center; \$25,000 shall be used for West Salem Town Hall 3656  
Improvements; \$40,000 shall be used for Pemberville Opera House 3657  
Restoration; \$40,000 shall be used for Grand Rapids Village Hall 3658  
Restoration; \$500,000 shall be used for Liberty Commons 3659  
Infrastructure Project - Lima; \$50,000 shall be used for Village 3660  
of Morrow Infrastructure Improvements; \$100,000 shall be used for 3661  
Fairfield City Cultural Center; \$63,000 shall be used for Sunbury 3662

Town Hall; \$50,000 shall be used for Nelsonville Fountain; \$50,000 3663  
shall be used for Southern Ohio Port Authority; \$100,000 shall be 3664  
used for Ft. Steuben Land Office; \$100,000 shall be used for 3665  
Columbiana County Port Authority; \$25,000 shall be used for Noble 3666  
County Senior Center; \$25,000 shall be used for Crawford County 3667  
Council on Aging; \$14,000 shall be used for Bethel-Tate Fire 3668  
Department Fire Safety Trailer; \$74,000 shall be used for the John 3669  
P. Parker Historic Site Restoration; and \$300,000 shall be used 3670  
for Zahn's Corner Industrial Park. 3671

Urban Areas Community Improvements 3672

Of the foregoing appropriation item CAP-817, Urban Areas 3673  
Community Improvements, \$200,000 shall be used for Clermont County 3674  
Communications Center; \$50,000 shall be used for The Civic 3675  
Restoration; \$50,000 shall be used for Brown Senior Center 3676  
Renovations; \$50,000 shall be used for Loveland Velodome Planning; 3677  
\$25,000 shall be used for Friendly Center Renovations; \$5,000 3678  
shall be used for Toledo Golden Gloves - Equipment; \$50,000 shall 3679  
be used for Sylvania Historical Society Building Improvements; 3680  
\$50,000 shall be used for Toledo International Youth Hostel 3681  
Renovations; \$100,000 shall be used for Fellows Gardens - Mill 3682  
Creek Park Improvements; \$100,000 shall be used for Weathervane 3683  
Playhouse Addition; \$100,000 shall be used for Akron/Summit 3684  
Community Action Agency Facility Improvements; \$136,000 shall be 3685  
used for Akron Community Health Resources Inc. Facility 3686  
Improvements; \$75,000 shall be used for Farmington Senior Center 3687  
Improvements; \$85,000 shall be used for President McKinley Home 3688  
Site improvements; \$187,150 shall be used for Shaker Historical 3689  
Museum; \$400,000 shall be used for Solon Community Arts Center; 3690  
\$25,000 shall be used for Orange Senior Center; \$75,000 shall be 3691  
used for Cincinnati Jewish Community Center; \$1,000,000 shall be 3692  
used for Lincoln Heights Health Center Improvements; \$500,000 3693  
shall be used for Cook's Castle Renovation; \$40,000 shall be used 3694

for Toledo Jewish Community Center; \$100,000 shall be used for 3695  
Youngstown Jewish Community Center; \$1,500,000 shall be used for 3696  
Youngstown Parking Facility; \$150,000 shall be used for Canton 3697  
Jewish Community Center; \$2,000,000 shall be used for Wilderness 3698  
Center Facility Improvements; \$100,000 shall be used for Project 3699  
AHEAD Facility Improvements; \$50,000 shall be used for Sagamore 3700  
Hills Historical Wall Renovation; \$1,000,000 shall be used for 3701  
Stan Hywet Hall and Gardens; \$250,000 shall be used for NEC World 3702  
Series of Golf Media Facility; \$50,000 shall be used for Richfield 3703  
Historic District Improvements; \$100,000 shall be used for Ohio 3704  
Erie Heritage Corridor Improvements; \$150,000 shall be used for 3705  
Hale Farm Improvements; \$1,750,000 shall be used for Wood County 3706  
Historic Building Renovation; \$500,000 shall be used for 3707  
Miamisburg Mound Development; \$100,000 shall be used for 3708  
Springfield Township Hall; \$50,000 shall be used for City of 3709  
University Heights Community Senior Center; \$75,000 shall be used 3710  
for the J. Frank-Troy Senior Citizens Center; \$50,000 shall be 3711  
used for the Cleveland Health Museum; \$50,000 shall be used for 3712  
the City of Euclid Land Purchase; \$25,000 shall be used for the 3713  
Mahoning River Corridor of Opportunity Industrial Park; \$25,000 3714  
shall be used for University Heights Senior Citizen Center Public 3715  
Library; \$50,000 shall be used for Columbus Fire Museum; \$50,000 3716  
shall be used for League Park Tourist Museum; \$100,000 shall be 3717  
used for Mustill Store Exhibits in Cascade Valley Park; and 3718  
\$30,000 shall be used for Warren Airport Runway Improvements. 3719

Of the foregoing appropriation item CAP-817, Urban Areas 3720  
Community Improvements, \$300,000 shall be used for Columbus Family 3721  
and Child Guidance Centers; \$360,000 shall be used for Central 3722  
Community House; \$180,000 shall be used for St. John Center; and 3723  
\$60,000 shall be used for Wesley Community Development 3724  
Corporation. 3725

Community Theatre Renovations 3726

Of the foregoing appropriation item CAP-818, Community Theatre Renovations, \$100,000 shall be used for Cleveland Public Theatre Improvements - Gordon Square; \$125,000 shall be used for Ariel Theatre Renovation; \$125,000 shall be used for Markay Theatre Renovations; and \$50,000 shall be used for Lorain Palace Theatre Improvements.

**Section 3.02. AGR DEPARTMENT OF AGRICULTURE** 3733  
CAP-040 County Fairgrounds Capital Improvements \$ 5,000,000 3734  
Total Department of Agriculture \$ 5,000,000 3735

County Fairgrounds Capital Improvements 3736

The foregoing appropriation item CAP-040, County Fairgrounds Capital Improvements, shall be used to provide matching grants to Agricultural Societies for fairgrounds capital improvements pursuant to rules promulgated by the Ohio Department of Agriculture. The rules shall include, but not be limited to, specifications of eligibility and award criteria, specifications for grant agreements, and procedures for administration of the program. Each society receiving a grant from this appropriation shall contribute an equal amount of non-state funds toward the capital improvements for which state funds are provided. No society shall receive more than \$100,000.

**Section 3.03. AFC ARTS AND SPORTS FACILITIES COMMISSION** 3748  
CAP-047 Cincinnati Classical Music Hall of Fame \$ 300,000 3749  
CAP-050 Columbus Art Museum Facility Planning \$ 250,000 3750  
CAP-053 Powers Auditorium Improvements \$ 250,000 3751  
CAP-054 Dayton Performing Arts Center - Planning \$ 250,000 3752  
and Phase I  
CAP-059 Johnny Appleseed Museum Theatre \$ 175,000 3753  
CAP-060 Southeastern Ohio Cultural Arts Center \$ 500,000 3754  
CAP-062 Akron Art Museum - Planning \$ 100,000 3755

Total Arts And Sports Facilities Commission	\$	1,825,000	3756
<b>Section 3.04. OHS OHIO HISTORICAL SOCIETY</b>			3758
CAP-745 Emergency Renovations of Historic Sites and Museums	\$	500,000	3759
Total Ohio Historical Society	\$	500,000	3760
<b>Section 3.05. DNR DEPARTMENT OF NATURAL RESOURCES</b>			3762
CAP-876 Statewide Trails Programs	\$	390,000	3763
CAP-942 Local Parks Projects	\$	115,000	3764
CAP-791 Pioneer Farm Renovation Planning	\$	15,000	3765
Total Department of Natural Resources	\$	520,000	3766
<u>Statewide Trails Programs</u>			3767
Of the foregoing appropriation item CAP-876, Statewide Trails Programs, \$40,000 shall be used for New Richmond Bike Trail Study; \$100,000 shall be used for Bike Path Coshocton City; and \$250,000 shall be used for Bike Trail - Ohio to Erie.			3768 3769 3770 3771
<b>Section 3.06. DOT DEPARTMENT OF TRANSPORTATION</b>			3772
CAP-004 County Airport Improvements	\$	400,000	3773
CAP-006 Youngstown-Warren Regional Airport Intermodal Facility Development	\$	2,200,000	3774
CAP-008 Rickenbacker Airport Runway Improvements	\$	3,000,000	3775
Total Department of Transportation	\$	5,600,000	3776
<u>County Airport Improvements</u>			3777
Of the foregoing appropriation item CAP-004, County Airport Improvements, \$300,000 shall be used for Ashtabula County Airport Improvements and \$100,000 shall be used for Clermont County Airport Improvements.			3778 3779 3780 3781
Total General Revenue Fund	\$	32,108,150	3782
<b>Section 4. No expenditures shall be made from any of the</b>			3784

items appropriated from the General Revenue Fund in Sections 3.01 3785  
to 3.06 of this act until the appropriations are released by the 3786  
Controlling Board. Each request for release of appropriations by 3787  
the Controlling Board shall have attached the certification of the 3788  
Director of Budget and Management that sufficient General Revenue 3789  
Fund moneys will be available to fund the anticipated expenditures 3790  
associated with the request. 3791

**Section 5.** All items set forth in this section are hereby 3792  
appropriated out of any moneys in the state treasury to the credit 3793  
of the Wildlife Fund (Fund 015), which are not otherwise 3794  
appropriated. 3795

Appropriations 3796

DNR DEPARTMENT OF NATURAL RESOURCES 3797

CAP-012	Land Acquisition	\$	2,400,000	3798
CAP-703	Cap Abandoned Water Wells	\$	50,000	3799
CAP-994	Wildlife Shooting Ranges	\$	320,000	3800
	Maintenance/Development			
	Total Department of Natural Resources	\$	2,770,000	3801
	Total Wildlife Fund	\$	2,770,000	3802

**Section 6.** The items set forth in this section are hereby 3804  
appropriated out of any moneys in the state treasury to the credit 3805  
of the Public School Building Fund (Fund 021), which are not 3806  
otherwise appropriated. 3807

Appropriations 3808

SFC SCHOOL FACILITIES COMMISSION 3809

CAP-622	Public School Buildings	\$	145,000,000	3810
CAP-777	Disability Access Projects	\$	5,000,000	3811
	Total School Facilities Commission	\$	150,000,000	3812
	Total Public School Building Fund	\$	150,000,000	3813

**Section 7.** The items set forth in this section are hereby 3815  
appropriated out of any moneys in the state treasury to the credit 3816  
of the Highway Safety Fund (Fund 036), which are not otherwise 3817  
appropriated. 3818

Appropriations 3819

DHS DEPARTMENT OF PUBLIC SAFETY 3820

CAP-045	Platform Scales Improvements	\$	290,000	3821
CAP-059	Patrol Post ADA Compliance	\$	250,000	3822
CAP-061	Alum Creek Warehouse Roof Replacement	\$	1,000,000	3823
CAP-062	Construct Dayton/Easton Post Complex	\$	2,000,000	3824
CAP-063	HVAC Improvements at the Academy	\$	500,000	3825
CAP-064	Cambridge Radio Shop Renovations	\$	500,000	3826
CAP-065	Replace Windows at the Academy	\$	400,000	3827
CAP-066	District 1/Findlay Post Renovations	\$	850,000	3828
Total Department of Public Safety		\$	5,790,000	3829
Total Highway Safety Fund		\$	5,790,000	3830

**Section 8.** All items set forth in this section are hereby 3832  
appropriated out of any moneys in the state treasury to the credit 3833  
of the Waterways Safety Fund (Fund 086), which are not otherwise 3834  
appropriated. 3835

Appropriations 3836

DNR DEPARTMENT OF NATURAL RESOURCES 3837

CAP-324	Cooperative Funding for Boating	\$	2,000,000	3838
	Facilities			
CAP-934	Operations Facilities Development	\$	250,000	3839
Total Department of Natural Resources		\$	2,250,000	3840
Total Waterways Safety Fund		\$	2,250,000	3841

**Section 9.** All items set forth in this section are hereby 3843  
appropriated out of any moneys in the state treasury to the credit 3844  
of the Underground Parking Garage Operating Fund (Fund 208), which 3845

are not otherwise appropriated.			3846
Appropriations			3847
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			3848
CAP-007    Garage Elevator Upgrades	\$	250,000	3849
CAP-008    Install Garage Oil Interceptor System	\$	60,000	3850
Total Capitol Square Review and Advisory Board	\$	310,000	3851
Total Underground Parking Garage Operating Fund	\$	310,000	3852
<b>Section 10.</b> All items set forth in this section are hereby			3854
appropriated out of any moneys in the state treasury to the credit			3855
of the Special Administrative Fund (Fund 4A9), which are not			3856
otherwise appropriated.			3857
BES BUREAU OF EMPLOYMENT SERVICES			3858
CAP-026    Various Renovations - Central Office	\$	495,335	3859
CAP-027    Various Renovations - Local Offices	\$	911,047	3860
CAP-031    One Stop Employment Training Centers	\$	400,000	3861
Total Bureau of Employment Services	\$	1,806,382	3862
Total Special Administrative Fund	\$	1,806,382	3863
<b>Section 11.</b> The items set forth in this section are hereby			3865
appropriated out of any moneys in the state treasury to the credit			3866
of the Veterans' Home Improvement Fund (Fund 604), which are not			3867
otherwise appropriated.			3868
Appropriations			3869
OVH OHIO VETERANS' HOME			3870
CAP-737    Elevator Renovations	\$	322,350	3871
CAP-750    Griffin Bathroom Renovations	\$	62,000	3872
CAP-751    Replace Nursing Home Furniture	\$	235,000	3873
CAP-752    Secrest Window Coverings	\$	150,000	3874
CAP-753    Seal Roads and New Parking Lots	\$	223,500	3875
CAP-754    Replace Domiciliary Carpeting	\$	70,000	3876
CAP-755    Secrest Security System Improvements	\$	65,000	3877

CAP-756	Renovate Commandant's House	\$	199,400	3878
	Total Ohio Veterans' Home	\$	1,327,250	3879
	Total Veterans' Home Improvement Fund	\$	1,327,250	3880

**Section 12.** All items set forth in this section are hereby 3882  
appropriated out of any money in the state treasury to the credit 3883  
of the Sports Facilities Building Fund (Fund 024), which is hereby 3884  
created. Revenues to the Sports Facilities Building Fund shall 3885  
consist of proceeds of obligations authorized to pay costs of the 3886  
following capital improvements: 3887

Appropriations 3888

AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION 3889

CAP-025	Sports Facilities Improvements -	\$	22,000,000	3890
	Cincinnati			
CAP-026	Sports Facilities Improvements -	\$	21,790,605	3891
	Cleveland			
	Total Ohio Arts and Sports Facilities			3892
	Commission	\$	43,790,605	3893
	Total Sports Facilities Building Fund	\$	43,790,605	3894

**Section 13.** The Ohio Building Authority is hereby authorized 3896  
to issue and sell, in accordance with the provisions of Section 2i 3897  
of Article VIII, Ohio Constitution, and Chapter 152. and other 3898  
applicable sections of the Revised Code, original obligations in 3899  
an aggregate principal amount not to exceed \$43,800,000, in 3900  
addition to the original issuance of obligations heretofore 3901  
authorized by prior acts of the General Assembly, to pay the costs 3902  
of capital facilities, as defined in division (J) of section 3903  
3383.01 of the Revised Code as Ohio sports facilities, and 3904  
designated in Section 12 of this act, the owners or holders of 3905  
which shall have no right to have excises or taxes levied by the 3906  
General Assembly for the payment of principal or interest thereon. 3907

**Section 14.** The foregoing capital improvements for which 3908  
appropriations are made in Section 12 of this act are determined 3909  
to be capital improvements for the housing of branches and 3910  
agencies of state government and their functions, including, 3911  
without limitation, serving purposes of public recreation and of 3912  
economic development, including creating or preserving jobs and 3913  
employment opportunities and improving the economic welfare of the 3914  
people of the state, and shall be designated as the capital 3915  
facilities to which proceeds of obligations in the Sports 3916  
Facilities Building Fund are to be applied. 3917

**Section 15.** All items set forth in Sections 15.01 to 15.13 of 3918  
this act are hereby appropriated out of any moneys in the state 3919  
treasury to the credit of the Administrative Building Fund (Fund 3920  
026). Revenues to the Administrative Building Fund shall consist 3921  
of proceeds of obligations authorized to pay the costs of capital 3922  
facilities, as defined in section 152.09 of the Revised Code, for 3923  
the following capital improvements: 3924

Appropriations 3925

**Section 15.01. ADJ ADJUTANT GENERAL 3926**

CAP-036	Roof Replacement - Various Facilities	\$	434,350	3927
CAP-038	Electrical System - Various Facilities	\$	635,072	3928
CAP-039	Camp Perry Facility Improvements	\$	3,000,000	3929
CAP-044	Replace Windows/Doors - Various Facilities	\$	381,395	3930
CAP-045	Plumbing Renovations - Various Facilities	\$	309,400	3931
CAP-046	Paving Renovations - Various Facilities	\$	285,600	3932
CAP-050	HVAC Systems - Various Facilities	\$	339,150	3933
CAP-052	Cincinnati Shadybrook Armory	\$	1,748,705	3934
CAP-055	Hillsboro Armory Renovations	\$	478,974	3935

Total Adjutant General		\$	7,612,646	3936
<b>Section 15.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>				3938
CAP-809	Hazardous Substance Abatement in State Facilities	\$	2,000,000	3939
CAP-811	Health/EPA Laboratory Facilities	\$	5,700,000	3940
CAP-826	Office Services Building Renovation	\$	500,000	3941
CAP-827	Statewide Communications System	\$	37,000,000	3942
CAP-835	Energy Conservation Projects	\$	2,000,000	3943
CAP-850	Renovation of Old ODOT Building	\$	6,560,000	3944
CAP-851	Purchase N. High/Chestnut Buildings	\$	12,000,000	3945
CAP-852	Renovate N. High/Chestnut Buildings	\$	1,000,000	3946
Total Department of Administrative Services		\$	66,760,000	3947

Hazardous Substance Abatement in State Facilities 3948

The foregoing appropriation item CAP-809, Hazardous Substance Abatement in State Facilities, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 3949  
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Prior to the release of appropriations for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these appropriations based on criteria developed by the Department of Administrative Services. 3953  
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Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project and/or other toxic materials removal through existing capital and operating appropriations, the department may request the release of appropriations for such projects by the Controlling Board. State agencies intending to fund asbestos abatement and/or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project. 3957  
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Only agencies that have received appropriations for capital 3967  
projects from the Administrative Building Fund (Fund 026) are 3968  
eligible to receive funding from this item. Public school 3969  
districts are not eligible for funding from this item. 3970

Implementation of Americans with Disabilities Act 3971

As a result of the transfer made in Section 15.05 of this 3972  
act, an appropriation shall be created for appropriation item 3973  
CAP-822, Implementation of Americans with Disabilities Act, in the 3974  
Department of Administrative Services. Appropriations in CAP-822 3975  
shall be used to renovate state-owned facilities to provide access 3976  
for physically disabled persons in accordance with Title II of the 3977  
Americans with Disabilities Act. 3978

Prior to the release of appropriations for such renovations, 3979  
state agencies shall perform self-evaluations of state-owned 3980  
facilities identifying barriers to access to service. State 3981  
agencies shall prioritize access barriers and develop a transition 3982  
plan for the removal of these barriers. The Department of 3983  
Administrative Services shall review proposals from state agencies 3984  
to use these appropriations for Americans with Disabilities Act 3985  
renovations. 3986

Only agencies that have received appropriations for capital 3987  
projects from the Administrative Building Fund (Fund 026) are 3988  
eligible to receive funding from this item. Public school 3989  
districts are not eligible for funding from this item. 3990

MARCS Steering Committee and Statewide Communications System 3991

There is hereby continued a Multi-Agency Radio Communications 3992  
System Steering Committee consisting of the designees of the 3993  
Directors of Administrative Services, Public Safety, Natural 3994  
Resources, Transportation, Rehabilitation and Correction, and 3995  
Budget and Management. The Director of Administrative Services or 3996  
the director's designee shall chair the committee. The committee 3997

shall provide assistance to the Director of Administrative Services for effective and efficient implementation of the MARCS system as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the directors as to the progress of MARCS implementation and the development of policies related to the system.

The foregoing appropriation item CAP-827, Statewide Communications System, shall be used to purchase or construct the components of the Multi-Agency Radio Communications System (MARCS) that are not specific to any one agency. The equipment may include, but is not limited to: multi-agency equipment at the Emergency Operations Center/Joint Dispatch Facility, computer and telecommunication equipment used for the functioning and integration of the system, communications towers, tower sites, and tower equipment, and linkages among towers and between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds.

Spending from this appropriation item shall not be subject to the requirements of Chapters 123. and 153. of the Revised Code.

Energy Conservation Projects

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used for renovations related to energy conservation, including the United States Environmental Protection Agency's Greenlights Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve

proposals from state agencies to use these funds for energy 4029  
conservation. 4030

Public school districts and state-supported and 4031  
state-assisted institutions of higher education are not eligible 4032  
for funding from this item. 4033

Purchase N. High/Chestnut Buildings 4034

The Bureau of Workers' Compensation and Department of 4035  
Administrative Services may enter into an agreement for the 4036  
transfer of the real estate and related facilities to be used for 4037  
state office facilities located at 246 North High Street, 4038  
Columbus, Ohio, and 35 Chestnut Street, Columbus, Ohio, from the 4039  
State Insurance Fund to the State of Ohio. The foregoing 4040  
appropriation item CAP-851, Purchase N. High/Chestnut Buildings, 4041  
shall be used to make the final payment to the State Insurance 4042  
Fund in accordance with the agreement. 4043

**Section 15.03. AGE DEPARTMENT OF AGING** 4044

CAP-001	Renovate Martin Janis Center	\$	125,000	4045
	Total Department of Aging	\$	125,000	4046

**Section 15.04. AGR DEPARTMENT OF AGRICULTURE** 4048

CAP-029	Administration Building Renovation	\$	1,394,022	4049
CAP-039	Renovate Weights and Measures Bldg.	\$	200,000	4050
CAP-041	Drainage and Erosion Control Improvements	\$	252,344	4051
CAP-042	Reynoldsburg Complex Security Improvements	\$	125,000	4052
	Total Department of Agriculture	\$	1,971,366	4053

**Section 15.05. AGO ATTORNEY GENERAL** 4055

CAP-710	Automated Fingerprint ID System	\$	4,438,000	4056
CAP-714	Construct/Renovate BCI & I	\$	9,891,647	4057



CAP-008	Fire Academy Building Renovations	\$	626,000	4087
CAP-011	Roadway/Training Area Resurfacing	\$	260,000	4088
Total Department of Commerce		\$	1,084,000	4089

**Section 15.08. EXP EXPOSITIONS COMMISSION** 4091

CAP-037	Electrical Upgrades	\$	2,449,400	4092
CAP-052	Sewer Separation	\$	1,903,090	4093
CAP-059	Replace Coliseum Compressor	\$	500,520	4094
CAP-062	Door Replacement	\$	123,874	4095
CAP-063	Facility Improvement and Modernization Planning	\$	81,933	4096
CAP-064	Replacement of Water Lines	\$	80,098	4097
CAP-065	Replace Coliseum Seating	\$	796,315	4098
CAP-066	Stairtower Replacement	\$	220,092	4099
Total Expositions Commission		\$	6,155,322	4100

**Section 15.09. DNR DEPARTMENT OF NATURAL RESOURCES** 4102

CAP-742	Fountain Square Building and Telephone System Improvements	\$	4,000,000	4103
CAP-747	DNR Fairgrounds Areas - General Upgrading	\$	75,000	4104
Total Department of Natural Resources		\$	4,075,000	4105

**Section 15.10. DHS DEPARTMENT OF PUBLIC SAFETY** 4107

CAP-067	VHF Radio System Improvements	\$	356,000	4108
Total Department of Public Safety		\$	356,000	4109

**Section 15.11. SUP JUDICIARY/SUPREME COURT** 4111

CAP-001	Ohio Courts Building Renovations	\$	32,600,000	4112
Total Judiciary/Supreme Court		\$	32,600,000	4113

Exempt from Per Cent for Arts Program 4114

The foregoing project CAP-001, Ohio Courts Building Renovations, shall be exempt from the provisions of section 4115  
4116

3379.10 of the Revised Code, the Per Cent for Arts Program. 4117

**Section 15.12.** OSB SCHOOL FOR THE BLIND 4118

CAP-733	Dormitory Wardrobe Replacement	\$	91,450	4119
CAP-757	Bathroom Renovation with Handicapped Accessibility	\$	185,800	4120
CAP-778	Install Air Conditioning in Dining Rooms	\$	75,000	4121
CAP-779	Upgrade Doorways for Handicapped Accessibility	\$	87,000	4122
CAP-780	Residential Renovations	\$	344,900	4123
CAP-783	Natatorium Improvements	\$	59,300	4124
	Total School for the Blind	\$	843,450	4125

**Section 15.13.** OSD SCHOOL FOR THE DEAF 4127

CAP-730	Roof Rehabilitation	\$	900,000	4128
CAP-744	Fire Alarm System Replacement	\$	208,740	4129
CAP-749	Bathroom Renovation with Handicapped Accessibility	\$	331,050	4130
CAP-781	Heating System Renovations and Boiler Replacement/Administration Building	\$	1,320,000	4131
CAP-782	Electrical System Improvements	\$	782,000	4132
CAP-784	Heating and Bedroom Renovations	\$	647,000	4133
CAP-785	Site Improvements	\$	25,000	4134
	Total School for the Deaf	\$	4,213,790	4135
	Total Administrative Building Fund	\$	140,826,221	4136

**Section 16.** The Ohio Building Authority is hereby authorized 4138  
to issue and sell, in accordance with the provisions of Section 2i 4139  
of Article VIII, Ohio Constitution, and Chapter 152. and other 4140  
applicable sections of the Revised Code, original obligations in 4141  
an aggregate principal amount not to exceed \$140,000,000, in 4142  
addition to the original issuance of obligations heretofore 4143  
authorized by prior acts of the General Assembly to pay costs 4144

associated with previously authorized capital facilities and the 4145  
capital facilities in Sections 15.01 to 15.13 of this act, the 4146  
owners or holders of which shall have no right to have excises or 4147  
taxes levied by the General Assembly for the payment of principal 4148  
or interest thereon. 4149

**Section 17.** All items set forth in this section are hereby 4150  
appropriated out of any moneys in the state treasury to the credit 4151  
of the Adult Correctional Building Fund (Fund 027). Revenues to 4152  
the Adult Correctional Building Fund shall consist of proceeds of 4153  
obligations authorized to pay costs of capital facilities as 4154  
defined in section 152.09 of the Revised Code for the Department 4155  
of Rehabilitation and Correction. 4156

Appropriations 4157

DRC DEPARTMENT OF REHABILITATION AND CORRECTION 4158

STATEWIDE AND CENTRAL OFFICE PROJECTS 4159

CAP-002	Local Jails	\$	26,300,000	4160
CAP-003	Community-Based Correctional Facilities	\$	11,346,240	4161
CAP-007	Asbestos and Lead Abatement - Statewide	\$	1,900,000	4162
CAP-008	Powerhouse/Utility Improvements	\$	3,000,000	4163
CAP-010	Industrial Equipment - Statewide	\$	2,489,000	4164
CAP-011	Roof and Window Renovations - Statewide	\$	2,000,000	4165
CAP-017	Security Improvements - Statewide	\$	4,000,000	4166
CAP-026	Waste Water Treatment Improvements - Statewide	\$	1,500,000	4167
CAP-041	Community Residential Program	\$	4,780,000	4168
CAP-129	Water Treatment Plant Improvements - Statewide	\$	900,000	4169
CAP-141	Multi-Agency Radio Communications System Equipment	\$	2,000,000	4170
CAP-186	Construct Close Custody Prison and Camp	\$	82,000,000	4171
CAP-187	Mandown Alert Communication Systems -	\$	3,000,000	4172

	Statewide			
CAP-188	Manufacturing and Storage Building	\$	159,300	4173
	Additions - Statewide			
CAP-189	Tuck Pointing Renovations - Statewide	\$	750,000	4174
	Total Statewide and Central Office Projects	\$	146,125,340	4175
	CHILLICOTHE CORRECTIONAL INSTITUTION			4176
CAP-146	Renovate Food Service Area - CCI	\$	4,425,000	4177
CAP-190	Utility Improvements	\$	200,000	4178
CAP-191	Life and Fire Safety Improvements	\$	3,500,000	4179
CAP-192	Hot Water System Improvements - CCI	\$	275,000	4180
	Total Chillicothe Correctional Institution	\$	8,400,000	4181
	CORRECTIONAL RECEPTION CENTER			4182
CAP-173	CRC E-Dorm Renovation	\$	350,000	4183
	Total Correctional Reception Center	\$	350,000	4184
	CORRECTIONAL TRAINING ACADEMY			4185
CAP-193	AT Building Roof Replacement	\$	450,000	4186
CAP-194	Construct Conference Center	\$	1,796,511	4187
	Total Correctional Training Academy	\$	2,246,511	4188
	DAYTON CORRECTIONAL INSTITUTION			4189
CAP-195	Hot Water System Improvements - DCI	\$	400,000	4190
	Total Dayton Correctional Institution	\$	400,000	4191
	GRAFTON CORRECTIONAL INSTITUTION			4192
CAP-196	Camp Egress System Improvements - GCI	\$	450,000	4193
	Total Grafton Correctional Institution	\$	450,000	4194
	HOCKING CORRECTIONAL INSTITUTION			4195
CAP-053	General Building Renovations	\$	275,000	4196
	Total Hocking Correctional Institution	\$	275,000	4197
	LEBANON CORRECTIONAL INSTITUTION			4198
CAP-118	Water Tower Renovations	\$	123,307	4199
CAP-197	Cell Door Lock Replacement	\$	5,259,900	4200
CAP-198	Water Treatment Plant Improvements - Le	\$	1,150,000	4201
	CI			
	Total Lebanon Correctional Institution	\$	6,533,207	4202

	LIMA CORRECTIONAL INSTITUTION		4203
CAP-121	Shower and Lavatory Renovations	\$ 1,995,000	4204
CAP-155	Heating System Renovations	\$ 2,065,400	4205
CAP-156	Water and Sewer Line Renovations	\$ 1,000,000	4206
CAP-199	Windows and Security Bar Improvements	\$ 1,000,000	4207
CAP-200	Utility Renovations	\$ 350,000	4208
	Total Lima Correctional Institution	\$ 6,410,400	4209
	LONDON CORRECTIONAL INSTITUTION		4210
CAP-122	Master Plan Building and Renovations	\$ 4,000,000	4211
CAP-201	Water Treatment Plant Addition	\$ 3,000,000	4212
	Total London Correctional Institution	\$ 7,000,000	4213
	MANSFIELD CORRECTIONAL INSTITUTION		4214
CAP-123	Smoke Removal/Sprinkler System Improvements	\$ 232,734	4215
CAP-202	Death Unit Renovations	\$ 750,000	4216
CAP-203	Hot Water System Improvements - Man CI	\$ 750,000	4217
	Total Mansfield Correctional Institution	\$ 1,732,734	4218
	MARION CORRECTIONAL INSTITUTION		4219
CAP-028	Power House Improvements	\$ 191,893	4220
CAP-067	Roof Replacement	\$ 384,635	4221
CAP-124	Fire Sprinkler System Improvements	\$ 2,146,791	4222
CAP-204	Freezer Replacement	\$ 168,800	4223
CAP-205	Cooler Replacement	\$ 343,800	4224
CAP-206	Central Food Service Renovations - MCI	\$ 343,800	4225
CAP-207	HVAC Improvements - Admin. Bldg.	\$ 750,000	4226
CAP-208	Hot Water Tank Replacement	\$ 275,000	4227
	Total Marion Correctional Institution	\$ 4,604,719	4228
	NORTHEAST PRE-RELEASE CENTER		4229
CAP-209	Security Improvements - NEPRC	\$ 425,000	4230
	Total Northeast Pre-Release Center	\$ 425,000	4231
	OHIO REFORMATORY FOR WOMEN		4232
CAP-210	Replacement Dormitory - ORW	\$ 3,650,000	4233
CAP-211	Renovate J.G. Cottage	\$ 1,300,000	4234

CAP-212	Powerhouse Renovation and Replumbing	\$	1,250,000	4235
CAP-213	Sanitary Sewer Renovations - ORW	\$	250,000	4236
CAP-214	Storm Sewer Renovations	\$	200,000	4237
CAP-215	Central Food Service Renovations - ORW	\$	300,000	4238
CAP-216	Elevator Renovation	\$	121,500	4239
CAP-217	Perimeter Lighting Improvements	\$	800,000	4240
CAP-218	Rewire Harmon Building	\$	376,289	4241
CAP-219	Fire Alarm System Improvements	\$	128,971	4242
	Total Ohio Reformatory for Women	\$	8,376,760	4243
	ORIENT CORRECTIONAL INSTITUTION			4244
CAP-126	Fire Protection System Upgrading	\$	290,467	4245
CAP-184	Orient Dorm Renovations	\$	450,000	4246
CAP-220	Mechanical Renovations Limited Duty Dorm	\$	1,500,000	4247
CAP-221	Replacement 2 Story Dorm for 6E Dorm	\$	3,958,000	4248
	Total Orient Correctional Institution	\$	6,198,467	4249
	PICKAWAY CORRECTIONAL INSTITUTION			4250
CAP-222	Sludge Removal System Improvements	\$	1,500,000	4251
CAP-223	Replacement of Unit A Dorm	\$	4,339,900	4252
CAP-224	Replacement Generator - Dairy Farm	\$	108,100	4253
CAP-225	Water System Improvements	\$	1,808,470	4254
CAP-226	Milk Processing Plant	\$	1,905,800	4255
CAP-227	Roof Improvements	\$	430,495	4256
CAP-228	Power House Improvements	\$	212,889	4257
	Total Pickaway Correctional Institution	\$	10,305,654	4258
	ROSS CORRECTIONAL INSTITUTION			4259
CAP-229	Waste Water Treatment Plant Improvement	\$	2,500,000	4260
	- RCI			
	Total Ross Correctional Institution	\$	2,500,000	4261
	SOUTHEASTERN CORRECTIONAL INSTITUTION			4262
CAP-233	Replacement 2 Story Dorm for J, K & L Dorms	\$	3,900,000	4263
CAP-234	High Voltage Electrical System Improvements	\$	1,500,000	4264

CAP-235	Warehouse and Utility Buildings Renovations	\$	225,000	4265
CAP-236	Construct Dining Hall	\$	3,381,125	4266
CAP-237	Power Plant Improvements	\$	479,697	4267
Total Southeastern Correctional Institution		\$	9,485,822	4268
SOUTHERN OHIO CORRECTIONAL FACILITY				4269
CAP-230	Waste Water Treatment Plant	\$	1,000,000	4270
CAP-231	Gas Boiler Installation	\$	978,005	4271
CAP-232	Power House Chiller	\$	457,800	4272
Total Southern Ohio Correctional Facility		\$	2,435,805	4273
Total Department of Rehabilitation and Correction		\$	224,255,419	4274 4275
Total Adult Correctional Building Fund		\$	224,255,419	4276

**Section 17.01.** 4278

Local Jails

From the foregoing appropriation item CAP-002, Local Jails, 4279  
the Department of Rehabilitation and Correction shall designate 4280  
the projects involving the construction and renovation of county, 4281  
multi-county, municipal-county, and multicounty-municipal jail 4282  
facilities and workhouses, including correctional centers 4283  
authorized under sections 153.61 and 307.93 of the Revised Code, 4284  
for which the Ohio Building Authority is authorized to issue 4285  
obligations. Notwithstanding any provisions to the contrary 4286  
contained in Chapter 152. or 153. of the Revised Code, the 4287  
Department of Rehabilitation and Correction is authorized to 4288  
coordinate, review, and monitor the drawdown and use of funds for 4289  
the renovation or construction of projects for which designated 4290  
funds are provided. 4291

The funding authorized under this section shall not be 4292  
applied to any such facilities that are not designated by the 4293  
Department of Rehabilitation and Correction. The amount of funding 4294

authorized under this section that may be applied to a project 4295  
designated for initial funding after July 1, 1998, involving the 4296  
construction or renovation of a county, multi-county, 4297  
municipal-county, or multicounty-municipal jail facility or 4298  
workhouse, including a correctional center authorized under 4299  
sections 153.61 and 307.93 of the Revised Code, shall not exceed 4300  
\$25,000 per bed of the total allowable cost of the project in the 4301  
case of construction of county and municipal-county jail 4302  
facilities, workhouses, and correctional centers; shall not exceed 4303  
\$42,000 per bed of the total allowable cost of the project in the 4304  
case of construction of multi-county or multicounty-municipal jail 4305  
facilities, workhouses, and correctional centers; and shall not 4306  
exceed 30 per cent of the total allowable cost of the project in 4307  
the case of renovation of county, multi-county, municipal-county, 4308  
and multicounty-municipal jail facilities, workhouses, and 4309  
correctional centers. 4310

The cost-per-bed funding authorized under this section that 4311  
may be applied to a construction project shall not exceed the 4312  
actual cost-per-bed of the project. The 30 per cent funding 4313  
authorized under this section that may be applied to a renovation 4314  
project shall not exceed \$25,000 per bed of the total allowable 4315  
cost of the project. 4316

The amount of funding authorized under this section that may 4317  
be applied to a project designated for initial funding prior to 4318  
July 1, 1996, and designated for additional funding after July 1, 4319  
1996, involving the construction or renovation of a county, 4320  
multi-county, municipal-county, or multicounty-municipal jail 4321  
facility or workhouse, including a correctional center authorized 4322  
under sections 153.61 and 307.93 of the Revised Code, shall not 4323  
exceed 30 per cent of the total allowable cost of the project in 4324  
the case of county and municipal-county jail facilities, 4325  
workhouses, and correctional centers; shall not exceed 50 per cent 4326

of the total allowable cost of the project in the case of 4327  
multi-county or multicounty-municipal jail facilities, workhouses, 4328  
and correctional centers; and up to 100 per cent of the total 4329  
allowable cost of the project in the case of multicounty or 4330  
multicounty-municipal correctional centers that meet the following 4331  
qualifications: 4332

(A) Are authorized under sections 153.61 and 307.93 of the 4333  
Revised Code; 4334

(B) Are constructed under the auspices of a corrections 4335  
commission consisting of at least three counties; and 4336

(C) With a cost per bed not in excess of seventy-five 4337  
thousand dollars. 4338

The funding authorized under this section shall not be 4339  
applied to any project involving the construction of a county, 4340  
multi-county, municipal-county, or multicounty-municipal jail 4341  
facility or workhouse, including a correctional center established 4342  
under sections 153.61 and 307.93 of the Revised Code, unless the 4343  
facility, workhouse, or correctional center will be built in 4344  
compliance with "The Minimum Standards for Jails in Ohio" and the 4345  
plans have been approved in accordance with section 5103.18 of the 4346  
Revised Code. In addition, the funding authorized under this 4347  
section shall not be applied to any project involving the 4348  
renovation of a county, multi-county, municipal-county, or 4349  
multicounty-municipal jail facility or workhouse, including a 4350  
correctional center established under sections 153.61 and 307.93 4351  
of the Revised Code, unless the renovation is for the purpose of 4352  
bringing the facility, workhouse, or correctional center into 4353  
compliance with "The Minimum Standards for Jail in Ohio" and the 4354  
plans have been approved in accordance with section 5103.18 of the 4355  
Revised Code. 4356

From the foregoing appropriation item CAP-002, Local Jails, 4357

the Department of Rehabilitation and Correction may use up to 4358  
\$250,000 to contract for services necessary to develop a 4359  
site-adaptable, cost-effective, prototype jail design, including 4360  
architectural drawings, to be made available by the department to 4361  
local jurisdictions for use in jail design and construction. 4362

**Section 17.02.** 4363

Community-Based Correctional Facilities

The Department of Rehabilitation and Correction is hereby 4364  
authorized to designate to the Ohio Building Authority the sites 4365  
of, and, notwithstanding any provisions to the contrary contained 4366  
in Chapter 152. or 153. of the Revised Code, to review the 4367  
renovation or construction of, the single county and district 4368  
community-based correctional facilities funded by the foregoing 4369  
appropriation item CAP-003, Community-Based Correctional 4370  
Facilities. 4371

Pickaway Sludge Removal 4372

The foregoing appropriation item CAP-026, Waste Water 4373  
Treatment Improvements - Statewide, shall be used for sludge 4374  
removal system improvements at Pickaway Correctional Institution. 4375

**Section 17.03.** 4376

Community Residential Program Renovations

The foregoing appropriation item CAP-041, Community 4377  
Residential Program, may be used to award grants, or to reimburse 4378  
government entities, or private nonprofit organizations, for the 4379  
construction of halfway houses for prisoners who are released on 4380  
parole by the Adult Parole Authority or for the renovation of 4381  
existing buildings for use as halfway houses for those released 4382  
prisoners, pursuant to section 5120.103 of the Revised Code. 4383

**Section 18.** The Ohio Building Authority is hereby authorized 4384  
to issue and sell, in accordance with the provisions of Section 2i 4385  
of Article VIII, Ohio Constitution, and Chapter 152. and section 4386  
307.021 of the Revised Code, original obligations in an aggregate 4387  
principal amount not to exceed \$224,000,000 in addition to the 4388  
original issuance of obligations heretofore authorized by prior 4389  
acts of the General Assembly to pay costs associated with 4390  
previously authorized capital facilities and the capital 4391  
facilities in Sections 17 and 17.01 to 17.03 of this act for the 4392  
Department of Rehabilitation and Correction, the owners or holders 4393  
of which shall have no right to have excises or taxes levied by 4394  
the General Assembly for the payment of principal or interest 4395  
thereon. 4396

**Section 19.** All items set forth in this section are hereby 4397  
appropriated out of any moneys in the state treasury to the credit 4398  
of the Juvenile Correctional Building Fund (Fund 028). Revenues to 4399  
the Juvenile Correctional Building Fund shall consist of proceeds 4400  
of obligations authorized to pay costs of capital facilities as 4401  
defined in section 152.09 of the Revised Code for the Department 4402  
of Youth Services. 4403

Appropriations 4404

DYS DEPARTMENT OF YOUTH SERVICES 4405

CAP-801	Fire Suppression, Safety, and Security	\$	2,000,000	4406
	Renovations			
CAP-803	General Institutional Renovations	\$	3,466,386	4407
CAP-812	Community Rehabilitation Centers	\$	3,963,366	4408
CAP-821	Construct Maximum Security Facility	\$	4,000,000	4409
CAP-825	Food Service, Storeroom, Laundry, and	\$	600,000	4410
	Fence Renovations - Mohican Youth Center			
CAP-828	Multi-Agency Radio Communications System	\$	400,000	4411
	Equipment			

CAP-829	Local Juvenile Detention Centers	\$	2,397,123	4412
CAP-833	Security Renovations - Indian River	\$	4,793,125	4413
CAP-834	Health and Safety Unit Renovations - Riverview	\$	3,780,000	4414
	Total Department of Youth Services	\$	25,400,000	4415
	Total Juvenile Correctional Building Fund	\$	25,400,000	4416

**Section 19.01.** 4418

Community Rehabilitation Centers

From the foregoing appropriation item CAP-812, Community 4419  
Rehabilitation Centers, the Department of Youth Services shall 4420  
designate the projects involving the construction and renovation 4421  
of single county and multi-county community corrections facilities 4422  
for which the Ohio Building Authority is authorized to issue 4423  
obligations. 4424

The Department of Youth Services is authorized to review and 4425  
approve the renovation and construction of projects for which 4426  
funds are provided. The proceeds of any obligations authorized 4427  
under this section shall not be applied to any such facilities 4428  
that are not designated and approved by the Department of Youth 4429  
Services. 4430

The Department of Youth Services shall adopt guidelines to 4431  
accept and review applications and designate projects. Those 4432  
guidelines shall require the county or counties to justify the 4433  
need for the facility and to comply with timelines for the 4434  
submission of documentation pertaining to the site, program, and 4435  
construction. 4436

For purposes of this section, "community corrections 4437  
facilities" has the same meaning as in section 5139.36 of the 4438  
Revised Code. 4439

**Section 19.02.** 4440

Local Juvenile Detention Centers

From the foregoing appropriation item CAP-829, Local Juvenile 4441  
Detention Centers, the Department of Youth Services shall 4442  
designate the projects involving the construction and renovation 4443  
of county and multi-county juvenile detention centers for which 4444  
the Ohio Building Authority is authorized to issue obligations. 4445

The Department of Youth Services is authorized to review and 4446  
approve the renovation and construction of projects for which 4447  
funds are provided. The proceeds of any obligations authorized 4448  
under this section shall not be applied to any such facilities 4449  
that are not designated by the Department of Youth Services. 4450

The Department of Youth Services shall comply with the 4451  
guidelines set forth below, accept and review applications, 4452  
designate projects, and determine the amount of state match 4453  
funding to be applied to each project. The department shall, with 4454  
the advice of the county or counties participating in a project, 4455  
determine the funded design capacity of the detention centers that 4456  
are designated to receive funding. Notwithstanding any provisions 4457  
to the contrary contained in Chapter 152. or 153. of the Revised 4458  
Code, the Department of Youth Services is authorized to 4459  
coordinate, review, and monitor the drawdown and use of funds for 4460  
the renovation and construction of projects for which designated 4461  
funds are provided. 4462

(A) The Department of Youth Services shall develop a weighted 4463  
numerical formula to determine the amount, if any, of state match 4464  
that may be provided to a single or multi-county detention center 4465  
project. The formula shall include the factors specified below in 4466  
division (A)(1) of this section and may include the factors 4467  
specified below in division (A)(2) of this section. The weight 4468  
assigned to the factors specified in division (A)(1) of this 4469  
section shall be no less than twice the weight assigned to factors 4470

specified in division (A)(2) of this section: 4471

(1)(a) The number of detention center beds needed in the 4472  
county or group of counties, as estimated by the Department of 4473  
Youth Services, is significantly more than the number of beds 4474  
currently available; 4475

(b) Any existing detention center in the county or group of 4476  
counties does not meet health, safety, or security standards for 4477  
detention centers as established by the Department of Youth 4478  
Services; 4479

(c) The Department of Youth Services projects that the county 4480  
or group of counties have a need for a sufficient number of 4481  
detention beds to make the project economically viable. 4482

(2)(a) The percentage of children in the county or group of 4483  
counties living below the poverty level is above the state 4484  
average; 4485

(b) The per capita income in the county or group of counties 4486  
is below the state average. 4487

(B) The formula developed by the Department of Youth Services 4488  
shall yield a percentage of state match ranging from 0 per cent to 4489  
60 per cent based on the above factors. Notwithstanding the 4490  
foregoing provisions, if a single county or multi-county system 4491  
currently has no detention center beds, or if the projected need 4492  
for detention center beds as estimated by the Department of Youth 4493  
Services is greater than 120 per cent of current detention center 4494  
bed capacity, then the percentage of state match shall be 60 per 4495  
cent. To determine the dollar amount of the state match for new 4496  
construction projects, the percentage of state match shall be 4497  
multiplied by \$105,000 per bed for detention centers with a design 4498  
capacity of 99 beds or less, and by \$130,000 per bed for detention 4499  
centers with a design capacity of 100 beds or more. To determine 4500  
the dollar amount of the state match for renovation projects the 4501

percentage match shall be multiplied by the actual cost of the 4502  
renovation, provided that the cost of the renovation does not 4503  
exceed \$80,000 per bed. The funding authorized under this section 4504  
that may be applied to a construction or renovation project shall 4505  
not exceed the actual cost of the project. 4506

The funding authorized under this section shall not be 4507  
applied to any project unless the detention center will be built 4508  
in compliance with health, safety, and security standards for 4509  
detention centers as established by the Department of Youth 4510  
Services. In addition, the funding authorized under this section 4511  
shall not be applied to the renovation of a detention center 4512  
unless the renovation is for the purpose of increasing the number 4513  
of beds in the center, or to meet health, safety, or security 4514  
standards for detention centers as established by the Department 4515  
of Youth Services. 4516  
4517

**Section 20.** The Ohio Building Authority is hereby authorized 4518  
to issue and sell, in accordance with the provisions of Section 2i 4519  
of Article VIII, Ohio Constitution, and Chapter 152. and other 4520  
applicable sections of the Revised Code, original obligations in 4521  
an aggregate principal amount not to exceed \$25,000,000 in 4522  
addition to the original issuance of obligations heretofore 4523  
authorized by prior acts of the General Assembly. These authorized 4524  
obligations shall be issued to pay the costs associated with 4525  
previously authorized capital facilities and the capital 4526  
facilities in Sections 19, 19.01, and 19.02 of this act for the 4527  
Department of Youth Services, the owners or holders of which shall 4528  
have no right to have excises or taxes levied by the General 4529  
Assembly for the payment of principal or interest thereon. 4530

**Section 21.** All items set forth in this section are hereby 4531  
appropriated out of any moneys in the state treasury to the credit 4532

of the Arts Facilities Building Fund (Fund 030). Revenues to the			4533
Arts Facilities Building Fund shall consist of proceeds of			4534
obligations authorized to pay costs of the following capital			4535
improvements:			4536
Appropriations			4537
AFC ARTS FACILITIES COMMISSION			4538
CAP-001 National Aviation Hall of Fame	\$	1,100,000	4539
CAP-004 Valentine Theatre	\$	3,500,000	4540
CAP-005 Center for Science and Industry - Columbus	\$	5,500,000	4541
CAP-010 Sandusky State Theatre Improvements	\$	500,000	4542
CAP-013 Stambaugh Hall Improvements	\$	625,000	4543
CAP-033 Woodward Opera House Renovation	\$	250,000	4544
CAP-037 Canton Palace Theatre Renovations	\$	800,000	4545
CAP-044 National Underground Railroad Freedom Center	\$	500,000	4546
CAP-045 Cincinnati Contemporary Arts Center	\$	3,500,000	4547
CAP-046 Cincinnati Museum Center Improvements	\$	525,000	4548
CAP-048 John and Annie Glenn Museum	\$	600,000	4549
CAP-049 Ohio Theatre Improvements	\$	3,000,000	4550
CAP-051 Akron Civic Theatre Improvements	\$	600,000	4551
CAP-052 Akron Art Museum	\$	1,000,000	4552
CAP-055 WACO Museum and Aviation Learning Center	\$	500,000	4553
CAP-056 Ohio Center of Agriculture and Industrial Technology Heritage Center	\$	3,500,000	4554
CAP-058 Cedar Bog Nature Preserve Education Center	\$	1,000,000	4555
CAP-061 Statewide Arts Facilities Planning	\$	500,000	4556
CAP-063 Robins Theatre Project	\$	50,000	4557
CAP-702 Campus Martius Museum Renovations	\$	140,000	4558
CAP-734 Hayes Presidential Center - Museum and Home Improvements	\$	1,000,000	4559

CAP-735	Paul Lawrence Dunbar House	\$	100,000	4560
CAP-741	Adena State Memorial Renovations	\$	350,000	4561
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$	2,960,000	4562
CAP-744	Zoar Village Visitor Center and Building Renovations	\$	875,000	4563
CAP-753	Buffington Island State Memorial Improvements	\$	100,000	4564
CAP-757	Schoenbrunn Village Restoration and Renovations	\$	211,000	4565
CAP-758	Ft. Laurens Building and Site Improvements	\$	100,000	4566
CAP-770	Serpent Mound State Memorial Improvements	\$	295,000	4567
CAP-780	Harding Home State Memorial Restorations	\$	390,000	4568
CAP-781	Historical Center - Archives and Library Automation	\$	450,000	4569
CAP-784	Ohio Historical Center Rehabilitation	\$	800,000	4570
CAP-788	Tallmadge Church Building Restoration	\$	250,000	4571
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	315,000	4572
CAP-791	Harrison's Tomb and Site Renovations	\$	16,000	4573
CAP-795	Local and Wide-area Networks	\$	300,000	4574
CAP-796	Moundbuilders State Memorial Improvements	\$	530,000	4575
CAP-797	National Afro-American Museum Improvements	\$	300,000	4576
CAP-798	Multi-Site Fire and Security System Improvements	\$	100,000	4577
CAP-799	Capitol City Exhibit Feasibility	\$	50,000	4578
CAP-800	Indian Mill State Memorial Improvements	\$	112,000	4579
	Total Arts Facilities Commission	\$	37,294,000	4580
	Total Arts Facilities Building Fund	\$	37,294,000	4581

Center for Science and Industry-Columbus 4582

Of the foregoing appropriation item CAP-005, Center for 4583  
Science and Industry-Columbus, \$5,000,000 shall be used for the 4584  
John Glenn Theatre and \$500,000 shall be used for AgScience 4585  
Experience Exhibits. 4586

COSI-Columbus -- Local Administration of Capital Project 4587  
Contracts 4588

Notwithstanding division (A) of section 3383.07 of the 4589  
Revised Code, the Ohio Arts and Sports Facilities Commission, with 4590  
respect to the foregoing appropriation item CAP-005, Center for 4591  
Science and Industry-Columbus, is authorized to administer all or 4592  
part of capital facilities project contracts involving exhibit 4593  
fabrication and installation as determined by the Department of 4594  
Administrative Services, the Center of Science and and 4595  
Industry-Columbus, and the Ohio Arts and Sports Facilities 4596  
Commission in review of the project plans. The Ohio Arts and 4597  
Sports Facilities Commission shall enter into a contract with the 4598  
Center of Science and Industry-Columbus to administer the exhibit 4599  
fabrication and installation contracts, which contracts are not 4600  
subject to Chapter 123. or 153. of the Revised Code. 4601

Schoenbrunn Village Restoration and Renovations 4602

Of the foregoing appropriation item CAP-757, Schoenbrunn 4603  
Village Restoration and Renovations, up to \$30,000 shall be used 4604  
for safety improvements related to the New Philadelphia airport. 4605

Ft. Laurens Building and Site Improvements 4606

Of the foregoing appropriation item CAP-758, Ft. Laurens 4607  
Building and Site Improvements, \$100,000 shall be used for the 4608  
full reconstruction of the site as formulated by the Friends of 4609  
Ft. Laurens Foundation. 4610

**Section 22.** The Ohio Building Authority is hereby authorized 4611

to issue and sell, in accordance with the provisions of Section 2i 4612  
of Article VIII, Ohio Constitution, and Chapter 152. and other 4613  
applicable sections of the Revised Code, original obligations in 4614  
an aggregate principal amount not to exceed \$37,000,000 in 4615  
addition to the original issuance of obligations heretofore 4616  
authorized by prior acts of the General Assembly to pay costs of 4617  
capital facilities as defined in division (A)(5) of section 152.09 4618  
of the Revised Code, including construction as defined in division 4619  
(H) of section 3383.01 of the Revised Code, of the Ohio arts 4620  
facilities designated in Section 21 of this act, the owners or 4621  
holders of which shall have no right to have excises or taxes 4622  
levied by the General Assembly for the payment of principal of or 4623  
interest thereon. 4624

**Section 23.** All items set forth in this section are hereby 4625  
appropriated out of any moneys in the state treasury to the credit 4626  
of the Ohio Parks and Natural Resources Fund (Fund 031). Revenues 4627  
to the Ohio Parks and Natural Resources Fund shall consist of 4628  
proceeds of obligations authorized to pay costs of capital 4629  
projects as defined in section 1557.01 of the Revised Code for the 4630  
Department of Natural Resources. 4631

Appropriations 4632

DNR DEPARTMENT OF NATURAL RESOURCES STATEWIDE AND LOCAL PROJECTS 4633

CAP-012	Land Acquisition	\$	5,200,000	4634
CAP-703	Cap Abandoned Water Wells	\$	50,000	4635
CAP-748	Local Parks Projects - Statewide	\$	6,250,000	4636
CAP-753	Project Planning	\$	1,069,500	4637
CAP-784	Inland Access	\$	250,000	4638
CAP-788	Community Recreation Projects	\$	742,000	4639
CAP-874	Lake Erie Access	\$	1,000,000	4640
CAP-875	Ohio River Access	\$	500,000	4641
CAP-881	Dam Rehabilitation	\$	10,842,925	4642

CAP-931	Wastewater/Water Systems Upgrades	\$	5,750,000	4643
CAP-934	Operations Facilities Development	\$	500,000	4644
CAP-999	Geographic Information Management System	\$	2,100,000	4645
Total Statewide and Local Projects		\$	34,254,425	4646
DIVISION OF CIVILIAN CONSERVATION				4647
CAP-835	Civilian Conservation Facilities	\$	400,000	4648
Total Division of Civilian Conservation		\$	400,000	4649
DIVISION OF FORESTRY				4650
CAP-841	Operations and Maintenance Facility Development and Renovation	\$	900,000	4651
Total Division of Forestry		\$	900,000	4652
DIVISION OF MINES AND RECLAMATION				4653
CAP-867	Reclamation Facilities Renovation and Development	\$	250,000	4654
Total Division of Mines and Reclamation		\$	250,000	4655
DIVISION OF NATURAL AREAS				4656
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$	450,000	4657
Total Division of Natural Areas		\$	450,000	4658
DIVISION OF PARKS AND RECREATION				4659
CAP-234	State Parks Campgrounds, Lodges and Cabins	\$	1,885,000	4660
CAP-331	Park Boating Facilities	\$	3,090,000	4661
CAP-390	State Park Maintenance/Facility Development	\$	450,000	4662
CAP-821	State Park Dredging and Shoreline Protection	\$	326,850	4663
CAP-836	State Park Renovations/Upgrading	\$	3,050,000	4664
Total Division of Parks and Recreation		\$	8,801,850	4665
DIVISION OF SOIL AND WATER CONSERVATION				4666
CAP-706	Statewide Nonpoint Source Implementation Program	\$	777,485	4667
Total Division of Soil and Water Conservation		\$	777,485	4668

	DIVISION OF WATER		4669
CAP-705	Rehabilitate Canals, Hydraulic Works and Support Facilities	\$ 2,000,000	4670
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$ 250,000	4671
CAP-820	Automated Stream, Lake and Ground Water Data Collection	\$ 150,000	4672
	Total Division of Water	\$ 2,400,000	4673
	Total Department of Natural Resources	\$ 48,233,760	4674
	Total Ohio Parks and Natural Resources Fund	\$ 48,233,760	4675

**Section 23.01.** 4677

Local Parks Projects - Statewide

The foregoing appropriation item CAP-748, Local Parks Projects - Statewide, shall be used for grants for local parks projects. Of the total amount appropriated, \$250,000 represents amounts that were previously appropriated and allocated to counties pursuant to division (D) of section 1557.06 of the Revised Code, and encumbered for local project grants. The existing encumbrances for these local projects in the various counties shall be canceled by the Director of Budget and Management or the Director of Natural Resources. The Director of Natural Resources shall allocate the \$250,000 to the same counties the moneys were originally allocated to, in the amount of the canceled encumbrances.

Dam Rehabilitation

Of the foregoing appropriation item CAP-881, Dam Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the Muskingum River Locks and Dams and \$1,250,000 shall be used for improvements to Pleasant Run Creek Levy.

Community Recreation Projects

4695

Of the foregoing appropriation item CAP-788, Community Recreation Projects, \$10,000 shall be used for Goodale Park Improvements; \$20,000 shall be used for Grove City Park Improvements; \$100,000 shall be used for Chagrin Falls Park; \$10,000 shall be used for West Fork Park; \$10,000 shall be used for Holmes County Park District; \$18,000 shall be used for Mentor Beach Park Improvements; \$32,000 shall be used for Willowick Park Improvements; \$60,000 shall be used for Leighty Lake Restoration Project; \$300,000 shall be used for Firestone Park Improvements; \$50,000 shall be used for Dover City Parks; \$50,000 shall be used for New Philadelphia City Parks; and \$82,000 shall be used for Hamilton Township Park at Foster.

State Park Dredging and Shoreline Protection

Of the foregoing appropriation item CAP-821, State Park Dredging and Shoreline Protection, \$200,000 shall be used for Muskingum Conservancy District - Charles Mill Lake Dredging and \$126,850 shall be used for Beaver Creek Erosion Control Project.

**Section 24.** The Commissioners of the Sinking Fund, upon the request of the Director of Natural Resources, are hereby authorized to issue and sell, in accordance with Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. of the Revised Code, bonds or other obligations of the State of Ohio in an aggregate amount not to exceed \$48,000,000 of original issuance obligations in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Ohio Parks and Natural Resources Fund (Fund 031) created in section 1557.04 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Natural Resources, provided, however, that such obligations shall

be issued and sold at such time or times so that not more than 4727  
\$50,000,000 original principal amount of obligations may be issued 4728  
in any fiscal year and not more than \$200,000,000 original 4729  
principal amount of obligations issued pursuant to Section 21 of 4730  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 4731  
Code are outstanding at any one time. 4732

**Section 25.** For the projects appropriated in Sections 23 and 4733  
23.01 of this act, the Ohio Department of Natural Resources shall 4734  
periodically prepare and submit to the Director of Budget and 4735  
Management the estimated design, planning, and engineering costs 4736  
of capital-related work to be done by the Department of Natural 4737  
Resources for each project. Based on the estimates, the Director 4738  
of Budget and Management may release appropriations from the 4739  
foregoing appropriation item CAP-753, Project Planning, to pay for 4740  
design, planning, and engineering costs incurred by the Department 4741  
of Natural Resources for such projects. Upon release of the 4742  
appropriations by the Director of Budget and Management, the 4743  
Department of Natural Resources shall pay for these expenses from 4744  
Fund 4S9, Capital Expenses, and be reimbursed by Fund 031 using an 4745  
intrastate voucher. 4746

**Section 26.** (A) All items set forth in this section are 4747  
hereby appropriated out of any moneys in the state treasury to the 4748  
credit of the School Building Program Assistance Fund (Fund 032) 4749  
created under section 3318.25 of the Revised Code, derived from 4750  
the proceeds of obligations heretofore and herein authorized to 4751  
pay the cost to the state of acquiring classroom facilities for 4752  
sale to school districts pursuant to sections 3318.01 to 3318.20 4753  
of the Revised Code. 4754

Appropriations 4755

SFC SCHOOL FACILITIES COMMISSION 4756

CAP-737 School Building Program Assistance	\$ 355,000,000	4757
Total School Facilities Commission	\$ 355,000,000	4758
Total School Building Program Assistance Fund	\$ 355,000,000	4759

School Building Program Assistance 4760

The foregoing appropriation item CAP-737, School Building  
Program Assistance, shall be used by the School Facilities  
Commission to provide funding to school districts that receive  
conditional approval from the Commission pursuant to Chapter 3318.  
of the Revised Code. 4761  
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Commitments by the School Facilities Commission 4766

The School Facilities Commission shall not commit at least  
\$300 million of the combined amounts of the foregoing  
appropriations items CAP-622, Public School Buildings (Fund 021),  
and CAP-737, Public School Building Assistance (Fund 032), until  
after June 30, 1999. 4767  
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(B)(1) As used in this division: 4772

(a) "Low wealth school district" means a school district in  
the lowest fifty per cent of adjusted valuation per pupil on the  
fiscal year 1999 ranking of school districts, established pursuant  
to section 3317.02 of the Revised Code. 4773  
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(b) A "school district with an exceptional need for immediate  
facility assistance" means a school district with an exceptional  
need for new facilities in order to protect the health and safety  
of all or a portion of its students. School districts reasonably  
expected to be served by the Classroom Facilities Assistance  
Program prior to June 30, 2002, in order provided under divisions  
(C)(1) and (2) of section 3318.06 of the Revised Code are excluded  
from participating in this exceptional needs pilot program. 4777  
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(2) Of the \$300,000,000 the School Facilities Commission 4785  
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shall not commit until after June 30, 1999, the School Facilities  
Commission may set aside up to ten per cent for the pilot program  
for low wealth school districts with exceptional needs for  
immediate classroom facility assistance.

(3)(a) After consulting with education and construction  
experts, the School Facilities Commission shall adopt guidelines  
for identifying school districts with an exceptional need for  
immediate classroom facility assistance.

(b) The guidelines shall include application forms and  
instructions for school districts that believe they have an  
exceptional need for immediate classroom facility assistance.

(4) The School Facilities Commission shall evaluate the  
classroom facilities, and the need for replacement classroom  
facilities from the applications received under this section. The  
School Facilities Commission, utilizing the guidelines adopted  
pursuant to division (B)(3) of this section, shall prioritize the  
school districts to be assessed.

In accordance with division (C)(3) of section 3318.02 of the  
Revised Code, the School Facilities Commission may conduct on-site  
evaluation of the school districts prioritized under this section  
and approve and award funds until such time as all funds set aside  
pursuant to division (B)(2) of this section have been encumbered  
pursuant to section 3318.04 of the Revised Code.

**Section 27.** The Treasurer of State is hereby authorized to  
issue and sell, in accordance with the provisions of Section 2i of  
Article VIII, Ohio Constitution, and section 3318.26 of the  
Revised Code, original obligations in an aggregate principal  
amount not to exceed \$355,000,000 in addition to the original  
issuance of obligations heretofore authorized by prior acts of the  
General Assembly. These authorized obligations shall be used to

provide funds for the appropriations in Section 26 of this act for 4817  
the School Building Assistance Program Fund for the School 4818  
Facilities Commission to distribute in accordance with their rules 4819  
and guidelines pursuant to Chapter 3318. of the Revised Code, the 4820  
owners or holders of which shall have no right to have excises or 4821  
taxes levied by the General Assembly for the payment of principal 4822  
or interest thereon. 4823

**Section 28.** All items set forth in Sections 28.01 to 28.03 4824  
are hereby appropriated out of any moneys in the state treasury to 4825  
the credit of the Mental Health Facilities Improvement Fund (Fund 4826  
033) created by division (F) of section 154.20 of the Revised 4827  
Code, derived from the proceeds of obligations heretofore and 4828  
herein authorized, to pay costs of capital facilities as defined 4829  
in section 154.01 of the Revised Code, for mental hygiene and 4830  
retardation. 4831

Appropriations 4832

**Section 28.01.** ADA DEPARTMENT OF ALCOHOL AND DRUG 4833  
ADDICTION SERVICES 4834

CAP-002	Community Assistance Projects	\$	2,000,000	4835
Total Department of Alcohol and Drug Addiction				4836
Services				4837
		\$	2,000,000	

**Section 28.02.** DMH DEPARTMENT OF MENTAL HEALTH 4839

CAP-092	Hazardous Materials Abatement	\$	750,000	4840
CAP-479	Community Assistance Projects	\$	11,500,000	4841
CAP-906	Campus Consolidation/Automation	\$	2,500,000	4842
CAP-946	Demolition	\$	750,000	4843
CAP-976	Life Safety/Critical Plant Renovations	\$	1,128,000	4844
CAP-977	Patient Care/Environment Improvements	\$	21,362,215	4845
CAP-978	Infrastructure Renovations	\$	3,500,000	4846

CAP-981	Emergency Improvements	\$	1,000,000	4847
	Total Department of Mental Health	\$	42,490,215	4848

**Section 28.03.** DMR DEPARTMENT OF MENTAL RETARDATION AND 4850

DEVELOPMENTAL DISABILITIES 4851

Appropriations 4852

CAP-480	Community Assistance Projects	\$	13,840,000	4853
CAP-955	Statewide Developmental Center Improvements	\$	1,682,396	4854
CAP-956	Apple Creek Developmental Center Improvements	\$	600,000	4855
CAP-957	Cambridge Developmental Center Improvements	\$	600,000	4856
CAP-958	Columbus Developmental Center Improvements	\$	1,130,000	4857
CAP-959	Gallipolis Developmental Center Improvements	\$	930,000	4858
CAP-960	Montgomery Developmental Center Improvements	\$	790,000	4859
CAP-962	Mt. Vernon Developmental Center Improvements	\$	950,000	4860
CAP-963	Northwest Ohio Developmental Center Improvements	\$	1,225,000	4861
CAP-964	Southwest Ohio Developmental Center Improvements	\$	780,000	4862
CAP-965	Springview Developmental Center Improvements	\$	885,000	4863
CAP-966	Tiffin Developmental Center Improvements	\$	550,000	4864
CAP-967	Warrensville Developmental Center Improvements	\$	510,000	4865
CAP-968	Youngstown Developmental Center Improvements	\$	800,000	4866
	Total Department of Mental Retardation			4867

and Developmental Disabilities	\$	25,272,396	4868
Total Mental Health Facilities Improvement Fund	\$	69,762,611	4869

Community Assistance Projects 4870

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code. Of the foregoing appropriation item CAP-480, Community Assistance Projects, \$90,000 shall be used for the Whetstone School in Morrow County.

**Section 28.04.** The foregoing capital improvements for which appropriations are made in Sections 28 and 28.01 to 28.03 of this act are determined to be capital improvements and capital facilities for mental hygiene and retardation, and shall be designated as the capital facilities to which proceeds of obligations in the Mental Health Facilities Improvement Fund, created by section 154.20 of the Revised Code, are to be applied. The foregoing appropriations for the Department of Alcohol and Drug Addiction Services, CAP-002, Community Assistance Projects; Department of Mental Health, CAP-479, Community Assistance Projects; and Department of Mental Retardation and Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter

340., 3793., 5119., 5123., or 5126. of the Revised Code or the 4899  
authority granted by section 154.20 of the Revised Code and the 4900  
rules issued pursuant to those chapters and shall be distributed 4901  
by the Department of Alcohol and Drug Addiction Services, the 4902  
Department of Mental Health, and the Department of Mental 4903  
Retardation and Developmental Disabilities, subject to Controlling 4904  
Board approval. All other appropriations provided in Sections 4905  
28.01 to 28.03 of this act are made to the Ohio Public Facilities 4906  
Commission for application to the purpose for which appropriated 4907  
through the exercise of its powers under Chapter 154. of the 4908  
Revised Code, including, where appropriate, provisions thereunder 4909  
for the production of revenues and receipts for bond service 4910  
charges on such obligations. 4911

**Section 28.05.** (A) No capital improvement appropriations made 4912  
in Sections 28.01 to 28.03 of this act shall be released for 4913  
planning or for improvement, renovation, or construction or 4914  
acquisition of capital facilities if a governmental agency, as 4915  
defined in section 154.01 of the Revised Code, does not own the 4916  
real property that constitutes the capital facilities or on which 4917  
the capital facilities are or will be located. This restriction 4918  
shall not apply in any of the following circumstances: 4919

(1) The governmental agency has a long-term (at least fifteen 4920  
years) lease of, or other interest (such as an easement) in, the 4921  
real property. 4922

(2) In the case of an appropriation for capital facilities 4923  
for mental hygiene and retardation which, because of their unique 4924  
nature or location, will be owned or be part of facilities owned 4925  
by a separate nonprofit organization and made available to the 4926  
governmental agency for its use or operated by the nonprofit 4927  
organization under contract with the governmental agency, the 4928  
nonprofit organization either owns or has a long-term (at least 4929

fifteen years) lease of the real property or other capital 4930  
facility to be improved, renovated, constructed, or acquired and 4931  
has entered into a joint or cooperative use agreement, approved by 4932  
the Department of Mental Health, Department of Mental Retardation 4933  
and Developmental Disabilities, or Department of Alcohol and Drug 4934  
Addiction Services, whichever is applicable, with the governmental 4935  
agency for that agency's use of and right to use the capital 4936  
facilities to be financed and, if applicable, improved, the value 4937  
of such use or right to use being, as determined by the parties, 4938  
reasonably related to the amount of the appropriation. 4939

(B) In the case of capital facilities referred to in division 4940  
(A)(2) of this section, the joint or cooperative use agreement 4941  
shall include, as a minimum, provisions which: 4942

(1) Specify the extent and nature of that joint or 4943  
cooperative use, extending for no fewer than fifteen years, with 4944  
the value of such use or right to use to be, as determined by the 4945  
parties and approved by the approving department, reasonably 4946  
related to the amount of the appropriation; 4947

(2) Provide for pro rata reimbursement to the state should 4948  
the arrangement for joint or cooperative use by a governmental 4949  
agency be terminated; 4950

(3) Provide that procedures to be followed during the capital 4951  
improvement process will comply with appropriate applicable state 4952  
laws and rules, including provisions of this act. 4953

**Section 29.** The Ohio Public Facilities Commission is hereby 4954  
authorized to issue and sell, in accordance with the provisions of 4955  
Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of 4956  
the Revised Code, particularly section 154.20 of the Revised Code, 4957  
obligations in an aggregate principal amount not to exceed 4958  
\$64,000,000 in addition to the original issuance of obligations 4959

heretofore authorized by prior acts of the General Assembly to pay 4960  
costs of capital facilities for mental hygiene and retardation, 4961  
the owners or holders of which shall have no right to have excises 4962  
or taxes levied by the General Assembly for the payment of 4963  
principal or interest thereon. 4964

**Section 30.** All items set forth in Sections 30.01 to 30.45 4965  
are hereby appropriated out of any moneys in the state treasury to 4966  
the credit of the Higher Education Improvement Fund (Fund 034) 4967  
created by division (F) of section 154.21 of the Revised Code, 4968  
derived from the proceeds of obligations heretofore and herein 4969  
authorized to pay the costs of capital facilities as defined in 4970  
section 154.01 of the Revised Code, for state-supported and 4971  
state-assisted institutions of higher education. 4972

Appropriations 4973

**Section 30.01.** OEB OHIO EDUCATIONAL 4974

TELECOMMUNICATIONS NETWORK COMMISSION 4975

CAP-001	Educational TV and Radio Equipment	\$	3,618,681	4976
Total Ohio Educational Telecommunications				4977
Network Commission		\$	3,618,681	4978

Educational Television and Radio Equipment 4979

The foregoing appropriation item CAP-001, Educational 4980  
Television and Radio Equipment, shall be used to provide 4981  
broadcasting, transmission, and production equipment to Ohio 4982  
public radio and television stations, radio reading services, and 4983  
the Ohio Educational Telecommunications Network Commission. 4984

**Section 30.02.** BOARD OF REGENTS AND STATE INSTITUTIONS 4985

OF HIGHER EDUCATION 4986

BOR BOARD OF REGENTS 4987

CAP-025	Instructional and Data Processing	\$	33,000,000	4988
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	Equipment		
CAP-029	Ohio Library and Information Network	\$ 6,535,000	4989
CAP-030	Supercomputer Center Expansion	\$ 14,250,000	4990
CAP-031	Ohio Aerospace Institute - Building	\$ 300,000	4991
	Improvements		
CAP-032	Research Facility and Investment Loans and Grants	\$ 20,000,000	4992
CAP-033	Child Care Facilities - Matching Grants	\$ 1,500,000	4993
CAP-055	Book Depository - OSU	\$ 1,800,000	4994
CAP-057	Book Depository - MUN	\$ 2,200,000	4995
CAP-060	Technology Initiatives	\$ 10,000,000	4996
CAP-061	Central State Rehabilitation	\$ 4,250,000	4997
CAP-062	Non-Credit Job Training Facilities	\$ 6,300,000	4998
	Grants		
CAP-063	Non-Profit Research Capital Support	\$ 8,000,000	4999
	Total Board of Regents	\$ 108,135,000	5000

**Section 30.03.** 5002

Research Facility Investment Loans and Grants

The foregoing appropriation item CAP-032, Research Facility  
and Investment Loans and Grants, shall be used for a program of  
grants or revolving loans, or both, to be administered by the  
Board of Regents to provide timely availability of capital  
facilities for research programs and research-oriented  
instructional programs at or involving state-supported and  
state-assisted institutions of higher education.

The Board of Regents shall develop rules in accordance with  
Chapter 119. of the Revised Code relative to the application for  
and approval of projects funded from appropriation item CAP-032,  
Research Facility and Investment Loans and Grants. Such rules  
shall be reviewed and approved by the Legislative Committee on  
Education Oversight. The Board of Regents shall inform the

President of the Senate and the Speaker of the House of 5016  
Representatives of each project application for funding received. 5017  
Each project receiving a commitment for funding by the Board of 5018  
Regents under the rules shall be reported to the President of the 5019  
Senate and the Speaker of the House of Representatives. 5020

**Section 30.04.** 5021

Child Care Facilities - Matching Grants

The foregoing appropriation item CAP-033, Child Care 5022  
Facilities - Matching Grants, shall be used by the Board of 5023  
Regents to make grants to state-supported or state-assisted 5024  
institutions of higher education for projects to expand, 5025  
construct, or renovate space for child care centers. All grants 5026  
shall be awarded on a 50 per cent match basis. In making grant 5027  
awards, the Board of Regents shall give priority to: 5028

(A) Projects located at state-supported or state-assisted 5029  
institutions without child care facilities; 5030

(B) Projects for which the principal clients are children of 5031  
students enrolled at the institution; and 5032

(C) Projects where the facility will be used as a 5033  
classroom/training lab for child care/preschool certification 5034  
programs. 5035

**Section 30.05.** 5036

Technology Initiatives

In order to determine a method for awarding grants from this 5037  
appropriation item, the Board of Regents shall form a consultation 5038  
group including, but not limited to, representatives of state 5039  
colleges and universities, the Office of Budget and Management, 5040  
the Legislative Budget Office of the Legislative Service 5041  
Commission, and the Legislative Office of Education Oversight. 5042

**Section 30.06.** 5043

Non-Profit Research Capital Support

There is hereby created the Non-Profit Research Capital 5044  
Support Task Force which shall consist of the Chancellor of the 5045  
Board of Regents, the Director of Development, and the Director of 5046  
the Governor's Science and Technology Advisory Board. If the 5047  
Governor's Science and Technology Advisory Board ceases to exist, 5048  
the Governor shall appoint a member to the Task Force. Members may 5049  
designate individuals to serve in their absence. 5050

The foregoing appropriation item CAP-063, Non-Profit Research 5051  
Capital Support, shall be used for a program of grants or loans to 5052  
be administered by the Board of Regents for partnerships between 5053  
nonprofit research organizations and state-supported and 5054  
state-assisted institutions of higher education for capital 5055  
projects advancing science and technology research in Ohio. Such 5056  
loans and grants shall be awarded based on a competitive selection 5057  
process developed and conducted by the Non-Profit Research Capital 5058  
Support Task Force. The Task Force may also develop other program 5059  
guidelines necessary to the successful implementation of the 5060  
program including limits on the size of grant awards. 5061

Notwithstanding any provisions of law to the contrary, all 5062  
repayments of non-profit research capital support loans shall be 5063  
made to the Bond Service Account in the Higher Education Bond 5064  
Service Trust Fund. Partnership recipients of non-profit research 5065  
capital support loans shall make timely repayments according to 5066  
the schedule established by the Board of Regents. 5067

**Section 30.07.** 5068

Reimbursements for Project Costs

Appropriations made in Sections 30.02 to 30.06 of this act 5069

for purposes of costs of capital facilities for the interim 5070  
financing of which the particular institution has previously 5071  
issued its own obligations anticipating the possibility of future 5072  
state appropriations to pay all or a portion of such costs, as 5073  
contemplated in division (B) of section 3345.12 of the Revised 5074  
Code, shall be paid directly to the institution or the paying 5075  
agent for those outstanding obligations in the full principal 5076  
amount of those obligations then to be paid from the anticipated 5077  
appropriation, and shall be timely applied to the retirement of a 5078  
like principal amount of the institutional obligations. 5079

Appropriations made in Sections 30.02 to 30.06 of this act 5080  
for purposes of costs of capital facilities, all or a portion of 5081  
which costs the particular institution has paid from the 5082  
institution's moneys that were temporarily available and which 5083  
payments were reasonably expected to be reimbursed from the 5084  
proceeds of obligations issued by the state, shall be directly 5085  
paid to the institution in the full amounts of those payments, and 5086  
shall be timely applied to the reimbursement of those temporarily 5087  
available moneys. 5088

Appropriations 5089

**Section 30.08.** UAK UNIVERSITY OF AKRON 5090

CAP-008	Basic Renovations	\$	3,427,925	5091
CAP-049	Basic Renovations - Wayne	\$	117,614	5092
CAP-078	HVAC Replacement, Phase II - Wayne	\$	350,000	5093
CAP-079	Science and Technology Library Addition Phase II	\$	1,605,000	5094
CAP-080	University of Akron/Medina Technology Link	\$	3,200,000	5095
CAP-081	Classroom/Office Building - Arts & Sciences	\$	6,420,000	5096
CAP-082	Polymer Engineering Building Annex	\$	2,675,000	5097

CAP-083	Facilities Enhancements - Wayne	\$	325,000	5098
CAP-084	Physical Education Center Planning	\$	100,000	5099
Total University of Akron		\$	18,220,539	5100

**Section 30.09. BGU BOWLING GREEN STATE UNIVERSITY** 5102

CAP-009	Basic Renovations	\$	3,247,773	5103
CAP-054	University Hall Rehabilitation, Phase III	\$	4,148,000	5104
CAP-060	Basic Renovations - Firelands	\$	182,744	5105
CAP-083	Central Heating Plant Replacement, Phase II	\$	1,594,920	5106
CAP-100	Moseley Hall Rehabilitation	\$	1,760,390	5107
CAP-101	Psychology Building Rehabilitation and Asbestos Abatement	\$	2,010,000	5108
CAP-102	Network Infrastructure, Phase I	\$	4,500,000	5109
CAP-103	University Community Center - Firelands	\$	2,056,440	5110
Total Bowling Green State University		\$	19,500,267	5111

**Section 30.10. CSU CENTRAL STATE UNIVERSITY** 5113

CAP-022	Basic Renovations	\$	804,400	5114
CAP-083	Master Plan/Supplemental Renovations	\$	2,449,400	5115
CAP-084	College of Education Facility - Planning	\$	1,000,000	5116
Total Central State University		\$	4,253,800	5117

College of Education Facility - Planning 5118

The foregoing appropriation item CAP-084, College of  
Education Facility - Planning, shall not be released by the  
Controlling Board or the Director of Budget and Management until  
Central State University has satisfactorily completed a  
Campus-wide Master Plan, and has made progress satisfactory to the  
Board of Regents and the Office of Budget and Management in  
completing the correction of its outstanding adjudication orders  
as issued by the Department of Commerce. Such progress shall

include the development of a plan to comply with all remaining 5127  
adjudication orders by the end of fiscal year 2000. This 5128  
appropriation shall not be included in the calculation of Central 5129  
State University's debt service obligation until fiscal year 2002. 5130

**Section 30.11. UCN UNIVERSITY OF CINCINNATI**

5131

CAP-009	Basic Renovations	\$	6,594,550	5132
CAP-018	Basic Renovations - Clermont	\$	154,181	5133
CAP-054	Raymond Walters Renovations	\$	223,924	5134
CAP-128	Science and Allied Health Building - Phase II Walters	\$	10,600,000	5135
CAP-174	Classroom/Teaching Laboratory Renovations	\$	6,100,000	5136
CAP-176	Network Expansion	\$	2,000,000	5137
CAP-177	Critical Building Component Renovations	\$	9,000,000	5138
CAP-204	Center for Health Related Programs	\$	5,500,000	5139
CAP-205	Medical Science Building Rehabilitation	\$	6,000,000	5140
CAP-206	One Stop Services Center	\$	9,886,650	5141
CAP-207	Central Campus Infrastructure	\$	300,000	5142
CAP-208	Security System Upgrade	\$	300,000	5143
CAP-209	Library Renovations	\$	300,000	5144
CAP-210	Cincinnati Observatory Center Improvements	\$	100,000	5145
CAP-211	Cincinnati Symphony Facility Improvements	\$	600,000	5146
Total University of Cincinnati		\$	57,659,305	5147

**Section 30.12. CLS CLEVELAND STATE UNIVERSITY**

5149

CAP-017	Land Acquisition	\$	1,769,670	5150
CAP-023	Basic Renovations	\$	3,166,002	5151
CAP-067	17th-18th Street Block - College of Urban Affairs	\$	9,250,000	5152
CAP-109	Classroom Upgrade	\$	3,700,000	5153

CAP-118	Structural Concrete Rehabilitation	\$	2,000,000	5154
	Total Cleveland State University	\$	19,885,672	5155

**Section 30.13. KSU KENT STATE UNIVERSITY**

5157

CAP-008	Severance Hall Renovations	\$	6,500,000	5158
CAP-022	Basic Renovations	\$	3,415,331	5159
CAP-105	Basic Renovations - East Liverpool	\$	96,642	5160
CAP-106	Basic Renovations - Geauga	\$	48,079	5161
CAP-107	Basic Renovations - Salem	\$	97,125	5162
CAP-108	Basic Renovations - Stark	\$	287,087	5163
CAP-110	Basic Renovations - Ashtabula	\$	175,814	5164
CAP-111	Basic Renovations - Trumbull	\$	226,475	5165
CAP-112	Basic Renovations - Tuscarawas	\$	172,228	5166
CAP-160	Patterson Building Renovation, Phase II - East Liverpool	\$	570,980	5167
CAP-161	Addition to Cunningham Hall	\$	8,075,000	5168
CAP-177	Corporate Education and Conference Center, Phase II - Stark	\$	1,743,360	5169
CAP-179	New Power Plant	\$	9,569,310	5170
CAP-196	Technology Improvements - Ashtabula	\$	575,000	5171
CAP-197	Technology Improvements - Geauga	\$	60,000	5172
CAP-198	Technology Improvements - Salem	\$	288,310	5173
CAP-199	Technology Improvements - Trumbull	\$	175,000	5174
CAP-200	Technology Improvements - Tuscarawas	\$	75,000	5175
	Total Kent State University	\$	32,150,741	5176

**Section 30.14. MUN MIAMI UNIVERSITY**

5178

CAP-018	Basic Renovations	\$	3,485,145	5179
CAP-066	Basic Renovations - Hamilton	\$	199,222	5180
CAP-069	Basic Renovations - Middletown	\$	222,652	5181
CAP-070	Chilled Water System - Phase VI	\$	1,000,000	5182
CAP-089	High-Voltage System Phase VI	\$	1,000,000	5183
CAP-098	Computer Network Installation - Phase	\$	1,000,000	5184

	III			
CAP-099	King Library Rehabilitation, Phase II	\$	1,600,000	5185
CAP-111	Roudebush Hall Rehabilitation, Phase II	\$	1,000,000	5186
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	500,000	5187
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	469,540	5188
CAP-114	Chilled Water Loop Phase I - Middletown	\$	750,000	5189
CAP-115	Special Academic/Administrative Projects - Middletown	\$	818,330	5190
CAP-116	Hughes Hall Rehabilitation - Phase II	\$	4,800,000	5191
CAP-117	North Campus Refrigeration/Chilled Water Plant	\$	2,800,000	5192
CAP-123	Phillips Hall Rehabilitation	\$	3,000,000	5193
CAP-124	Bonham House Rehabilitation/Multi-Cultural Center Planning	\$	1,200,000	5194
CAP-125	Environmental Restoration Project	\$	1,000,000	5195
Total Miami University		\$	24,844,889	5196

**Section 30.15. OSU OHIO STATE UNIVERSITY**

5198

CAP-074	Basic Renovations	\$	15,455,642	5199
CAP-149	Basic Renovations - Regional Campuses	\$	983,419	5200
CAP-255	Supplemental Renovations - OARDC	\$	1,000,000	5201
CAP-304	Conference Center - OARDC/ATI	\$	500,000	5202
CAP-306	Heart & Lung Institute	\$	5,400,000	5203
CAP-363	School of Architecture Facility	\$	9,000,000	5204
CAP-369	Natural Habitat Research Site Improvements	\$	2,200,000	5205
CAP-425	Physical Sciences Building	\$	20,000,000	5206
CAP-427	Morrill Hall Renovation - Marion	\$	408,000	5207
CAP-430	Hagerty Hall Rehabilitation	\$	18,500,000	5208
CAP-431	Sisson Hall Replacement	\$	17,600,000	5209
CAP-484	Page Hall Planning	\$	700,000	5210

CAP-485	Botany and Zoology Building Planning	\$	1,700,000	5211
CAP-486	Larkins Hall Addition/Renovation Planning	\$	3,000,000	5212
CAP-487	Robinson Laboratory Planning	\$	1,000,000	5213
CAP-488	Don Scott Field Replacement Barns	\$	860,310	5214
CAP-489	Galvin Hall Third Floor Renovation - Lima	\$	1,118,330	5215
CAP-490	Founders Addition and Renovation - Mansfield	\$	850,000	5216
CAP-491	Horticultural Operations Center - ATI	\$	1,560,000	5217
CAP-492	OARDC Feed Mill	\$	5,500,000	5218
CAP-493	Science and Technology Project	\$	4,000,000	5219
CAP-494	Nicklaus Center	\$	1,500,000	5220
Total Ohio State University		\$	112,835,701	5221

Natural Habitat Research Site Improvements 5222

The foregoing appropriation item CAP-369, Natural Habitat 5223  
 Research Site Improvements, shall be used for facilities that 5224  
 provide educational opportunities, research, and activities for 5225  
 the conservation of endangered and threatened wildlife. Such 5226  
 facilities shall be operated by The Wilds, a not-for-profit 5227  
 organization. The Wilds shall cooperate with the Ohio Department 5228  
 of Natural Resources, Education, and Development and with Ohio 5229  
 zoological institutions, colleges and universities, local school 5230  
 districts, and appropriate biological interests to achieve the 5231  
 above objectives. 5232

**Section 30.16. OHU OHIO UNIVERSITY** 5233

CAP-020	Basic Renovations	\$	3,970,024	5234
CAP-021	Conservancy District Access and Improvements Assessment	\$	750,000	5235
CAP-095	Basic Renovations - Eastern	\$	112,113	5236
CAP-098	Basic Renovations - Lancaster	\$	183,549	5237

CAP-099	Basic Renovations - Zanesville	\$	202,175	5238
CAP-113	Basic Renovations - Chillicothe	\$	178,496	5239
CAP-114	Basic Renovations - Ironton	\$	91,952	5240
CAP-115	Bennett Hall HVAC and Lab Improvements - Chillicothe	\$	953,030	5241
CAP-141	College of Health and Human Services Renovation	\$	12,000,000	5242
CAP-142	Health Professions Labs - Phase I	\$	8,550,000	5243
CAP-144	Shannon Hall Laboratory Rehabilitation, Phase I - Eastern	\$	398,040	5244
CAP-155	Brasee Hall Rehabilitation, Phase I - Lancaster	\$	516,760	5245
CAP-160	Center for Public Policy	\$	5,000,000	5246
CAP-172	Elson Hall Rehabilitation, Phase I - Zanesville	\$	1,136,920	5247
CAP-186	Ellis Hall Partial Renovation	\$	400,280	5248
CAP-187	Technology Center Planning - Ironton	\$	509,760	5249
CAP-188	Technology Center Construction - Ironton	\$	2,745,120	5250
CAP-189	Conference Center Planning - Lancaster	\$	600,000	5251
Total Ohio University		\$	38,298,219	5252

**Section 30.17. SSC SHAWNEE STATE UNIVERSITY**

5254

CAP-004	Basic Renovations	\$	801,990	5255
CAP-040	Chiller Replacement	\$	836,500	5256
CAP-041	Kricker Hall Renovation	\$	765,000	5257
CAP-042	Sidewalk/Plaza Replacement	\$	150,000	5258
Total Shawnee State University		\$	2,553,490	5259

**Section 30.18. UTO UNIVERSITY OF TOLEDO**

5261

CAP-010	Basic Renovations	\$	3,660,456	5262
CAP-024	Gillham Hall Rehabilitation	\$	3,200,000	5263
CAP-076	Education and Allied Professions Rehabilitation	\$	3,300,000	5264

CAP-083	Bowman-Oddy Rehabilitation, Phase II	\$	1,300,000	5265
CAP-085	Engineering - Biomedical Lab Rehabilitation	\$	800,000	5266
CAP-086	Supplemental Academic Departments Renovations	\$	1,700,000	5267
CAP-087	Arrowhead Park Facility	\$	2,500,000	5268
CAP-088	Stranahan Arboretum Addition	\$	1,000,000	5269
CAP-089	Chilled Water Plant	\$	4,000,000	5270
CAP-090	Wolfe Hall Addition	\$	2,000,000	5271
	Total University of Toledo	\$	23,460,456	5272

Local Administration of Projects 5273

Notwithstanding anything to the contrary in sections 9.33, 5274  
 123.01, and 3345.50 and Chapter 153. of the Revised Code, the 5275  
 University of Toledo may negotiate, enter into, and locally 5276  
 administer a contract which combines the design and construction 5277  
 elements of the project into a single contract for the Arrowhead 5278  
 Park Facility, funded herein with an appropriation of \$2,500,000, 5279  
 and the Scott Park Athletic Facility project to be built with 5280  
 local funds. 5281

**Section 30.19. WSU WRIGHT STATE UNIVERSITY** 5282

CAP-015	Basic Renovations	\$	2,656,315	5283
CAP-064	Basic Renovations - Lake	\$	88,761	5284
CAP-074	U.S. Air and Trade Show	\$	1,000,000	5285
CAP-075	Aviation Heritage National Historical Park Improvements	\$	5,050,000	5286
CAP-092	Allyn Hall Rehabilitation	\$	9,200,000	5287
CAP-103	Millett Hall Rehabilitation	\$	1,000,000	5288
CAP-104	Road and Parking Lot Improvements	\$	2,000,000	5289
	Total Wright State University	\$	20,995,076	5290

**Section 30.20. YSU YOUNGSTOWN STATE UNIVERSITY** 5292

CAP-014	Basic Renovations	\$	2,237,279	5293
CAP-027	Property Acquisition/Street Closures	\$	2,400,000	5294
CAP-040	Bliss Hall Rehabilitation - Final Phase	\$	2,600,000	5295
CAP-108	Electronic Campus Infrastructure/Technology	\$	3,700,000	5296
CAP-109	Welcome Center - Dana Hall Addition	\$	500,000	5297
Total Youngstown State University		\$	11,437,279	5298

**Section 30.21. MCO MEDICAL COLLEGE OF OHIO** 5300

CAP-010	Basic Renovations	\$	1,130,777	5301
CAP-048	Medical Informatics Data Highway	\$	1,442,150	5302
CAP-049	Center for Classrooms of the Future	\$	4,000,000	5303
Total Medical College of Ohio		\$	6,572,927	5304

**Section 30.22. NEM NORTHEASTERN OHIO UNIVERSITIES** 5306

COLLEGE OF MEDICINE 5307

CAP-018	Basic Renovations	\$	323,492	5308
CAP-037	Conference Center Rehabilitation and Expansion	\$	2,049,813	5309
CAP-038	Campus Computer Services Network - Phase II	\$	1,393,500	5310
Total Northeastern Ohio Universities College of Medicine		\$	3,766,805	5311 5312

**Section 30.23. CTC CINCINNATI STATE TECHNICAL** 5314

AND COMMUNITY COLLEGE 5315

CAP-008	Interior Renovations	\$	546,000	5316
CAP-009	Exterior Rehabilitations	\$	160,000	5317
CAP-013	Basic Renovations	\$	664,864	5318
CAP-025	New Telephone Switch Systems	\$	330,000	5319
Total Cincinnati State Technical and Community College		\$	1,700,864	5320 5321

<b>Section 30.24. CLT CLARK STATE COMMUNITY COLLEGE</b>			5323
CAP-006	Basic Renovations	\$ 411,947	5324
Total Clark State Community College			5325

<b>Section 30.25. CTI COLUMBUS STATE COMMUNITY COLLEGE</b>			5327
CAP-006	Basic Renovations	\$ 874,033	5328
CAP-040	Building "D" Planning	\$ 1,500,000	5329
CAP-041	Columbus College of Art and Design	\$ 100,000	5330
Total Columbus State Community College			5331

<b>Section 30.26. CCC CUYAHOGA COMMUNITY COLLEGE</b>			5333
CAP-026	Playhouse Square	\$ 750,000	5334
CAP-031	Basic Renovations	\$ 4,136,333	5335
CAP-033	Ohio College of Podiatric Medicine	\$ 100,000	5336
CAP-056	Main Building Addition - Eastern	\$ 1,206,064	5337
CAP-064	Technology Learning Center - Western	\$ 2,205,500	5338
CAP-066	Renovations to Create New Classrooms - Western	\$ 360,000	5339
CAP-067	Renovation of Plant Operations/Vehicle Maintenance/Storage - Phase I	\$ 1,335,170	5340
CAP-070	Implement Interior/Exterior Signage Program	\$ 540,000	5341
CAP-071	Renovations to East One Building	\$ 892,500	5342
Total Cuyahoga Community College			5343

Of the foregoing appropriation item CAP-026, Playhouse  
Square, \$500,000 shall be provided to Cuyahoga Community College  
for its prompt use in paying expenditures previously incurred by  
Playhouse Square Foundation, consistent with legal requirements  
then applicable to Foundation contracts, for the designated  
project. In addition, \$250,000 from the appropriation item shall  
be utilized for improvements to the Allen Theatre.

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<b>Section 30.27. ESC EDISON STATE COMMUNITY COLLEGE</b>			5351
CAP-006	Basic Renovations	\$ 217,490	5352
CAP-018	Master Plan Update	\$ 50,000	5353
Total Edison State Community College		\$ 267,490	5354
 <b>Section 30.28. JTC JEFFERSON COMMUNITY COLLEGE</b>			 5356
CAP-022	Basic Renovations	\$ 178,852	5357
CAP-037	Electrical System Evaluation and Renovation	\$ 382,820	5358
CAP-038	Library Interior Renovation	\$ 259,020	5359
CAP-039	Lecture Hall Interior Renovation	\$ 175,325	5360
Total Jefferson Community College		\$ 996,017	5361
 <b>Section 30.29. LCC LAKELAND COMMUNITY COLLEGE</b>			 5363
CAP-006	Basic Renovations	\$ 681,493	5364
CAP-028	Athletic, Fitness, Teaching Center/Family Center Expansion	\$ 3,165,340	5365
Total Lakeland Community College		\$ 3,846,833	5366
 <b>Section 30.30. LOR LORAIN COMMUNITY COLLEGE</b>			 5368
CAP-005	Basic Renovations	\$ 822,782	5369
CAP-037	Center for Leadership in Education	\$ 100,000	5370
Total Lorain Community College		\$ 922,782	5371
 <b>Section 30.31. NTC NORTHWEST STATE COMMUNITY COLLEGE</b>			 5373
CAP-003	Basic Renovations	\$ 143,363	5374
Total Northwest State Community College		\$ 143,363	5375
 <b>Section 30.32. OTC OWENS COMMUNITY COLLEGE</b>			 5377
CAP-019	Basic Renovations	\$ 833,701	5378
CAP-032	Student Health and Activities Center	\$ 7,494,520	5379
Total Owens Community College		\$ 8,328,221	5380

<b>Section 30.33. RGC RIO GRANDE COMMUNITY COLLEGE</b>			5382
CAP-005	Basic Renovations	\$ 251,640	5383
CAP-018	Pomeroy Building Renovation	\$ 50,000	5384
CAP-019	Wood Working Facility	\$ 458,000	5385
CAP-020	School of Business	\$ 178,000	5386
Total Rio Grande Community College		\$ 937,640	5387
 <b>Section 30.34. SCC SINCLAIR COMMUNITY COLLEGE</b>			 5389
CAP-007	Basic Renovations	\$ 1,637,021	5390
CAP-044	Demolish Building 18	\$ 555,000	5391
Total Sinclair Community College		\$ 2,192,021	5392
 <b>Section 30.35. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>			 5394
CAP-010	Basic Renovations	\$ 216,687	5395
Total Southern State Community College		\$ 216,687	5396
 <b>Section 30.36. TTC TERRA STATE COMMUNITY COLLEGE</b>			 5398
CAP-009	Basic Renovations	\$ 335,437	5399
CAP-016	Capital Equipment	\$ 15,949	5400
Total Terra State Community College		\$ 351,386	5401
 <b>Section 30.37. WTC WASHINGTON STATE COMMUNITY COLLEGE</b>			 5403
CAP-006	Basic Renovations	\$ 203,731	5404
Total Washington State Community College		\$ 203,731	5405
 <b>Section 30.38. BTC BELMONT TECHNICAL COLLEGE</b>			 5407
CAP-008	Basic Renovations	\$ 184,326	5408
Total Belmont Technical College		\$ 184,326	5409
 <b>Section 30.39. COT CENTRAL OHIO TECHNICAL COLLEGE</b>			 5411
CAP-003	Basic Renovations	\$ 201,646	5412
Total Central Ohio Technical College		\$ 201,646	5413

<b>Section 30.40. HTC HOCKING TECHNICAL COLLEGE</b>			5415
CAP-019	Basic Renovations	\$ 409,713	5416
CAP-034	Student Center - Phase I	\$ 2,924,325	5417
Total Hocking Technical College		\$ 3,334,038	5418
<b>Section 30.41. LTC LIMA TECHNICAL COLLEGE</b>			5420
CAP-004	Basic Renovations	\$ 214,513	5421
CAP-013	Child Care Facility	\$ 900,000	5422
Total Lima Technical College		\$ 1,114,513	5423
<b>Section 30.42. MTC MARION TECHNICAL COLLEGE</b>			5425
CAP-004	Basic Renovations	\$ 113,316	5426
CAP-009	Technical Education Center Renovation	\$ 52,700	5427
Total Marion Technical College		\$ 166,016	5428
<b>Section 30.43. MAT MUSKINGUM AREA TECHNICAL COLLEGE</b>			5430
CAP-007	Basic Renovations	\$ 203,491	5431
Total Muskingum Area Technical College		\$ 203,491	5432
<b>Section 30.44. NCC NORTH CENTRAL TECHNICAL COLLEGE</b>			5434
CAP-003	Basic Renovations	\$ 352,121	5435
CAP-018	Fallerius Center Rehabilitation	\$ 750,000	5436
Total North Central Technical College		\$ 1,102,121	5437
<b>Section 30.45. STC STARK TECHNICAL COLLEGE</b>			5439
CAP-004	Basic Renovations	\$ 368,764	5440
CAP-024	Phase 2 Renovations	\$ 1,253,252	5441
CAP-025	Timken Regional Campus Technology Project	\$ 2,500,000	5442
Total Stark Technical College		\$ 4,122,016	5443
Total Board of Regents and			5444
State Institutions of Higher Education		\$ 549,516,915	5445



Ohio State University - Mansfield	\$ 850,000	5477
Ohio State University - Marion	\$ 408,000	5478
Ohio State University - ATI	\$ 1,560,000	5479
Ohio University	\$26,700,280	5480
Ohio University - Eastern	\$ 398,040	5481
Ohio University - Chillicothe	\$ 953,030	5482
Ohio University - Lancaster	\$ 1,116,760	5483
Ohio University - Zanesville	\$ 1,136,920	5484
Shawnee State University	\$ 1,751,500	5485
University of Toledo	\$19,800,000	5486
Wright State University	\$11,300,000	5487
Youngstown State University	\$ 9,200,000	5488
Medical College of Ohio	\$ 5,442,150	5489
Northeastern Ohio Universities College of Medicine	\$ 3,425,580	5490
Cincinnati State Technical and Community College	\$ 1,036,000	5491
Columbus State Community College	\$ 1,500,000	5492
Cuyahoga Community College	\$ 6,800,000	5493
Edison State Community College	\$ 50,000	5494
Jefferson Community College	\$ 817,165	5495
Lakeland Community College	\$ 3,165,340	5496
Lorain Community College	\$ 100,000	5497
Owens Community College	\$ 3,747,260	5498
Rio Grande Community College	\$ 636,000	5499
Hocking Technical College	\$ 2,924,325	5500
Lima Technical College	\$ 900,000	5501
Marion Technical College	\$ 52,700	5502
North Central Technical College	\$ 750,000	5503
Stark Technical College	\$ 1,253,252	5504

Institutions not listed above shall not have a debt service 5505  
obligation as a result of these appropriations. 5506

Within sixty days after the effective date of this section, 5507  
any institution of higher education may notify the Board of 5508

Regents of its intention not to proceed with any project 5509  
appropriated in this act. Upon receiving such notification, the 5510  
Board of Regents may release the institution from its debt service 5511  
obligation for the specific project. 5512

**Section 32.** For all of the foregoing appropriation items from 5513  
the Higher Education Improvement Fund (Fund 034) that require 5514  
local funds to be contributed by any state-supported or 5515  
state-assisted institution of higher education, the Ohio Board of 5516  
Regents shall not recommend that any funds be released until the 5517  
recipient institution demonstrates to the Board of Regents and the 5518  
Office of Budget and Management that the local funds contribution 5519  
requirement has been secured or satisfied. The local funds shall 5520  
be in addition to the foregoing appropriations. 5521

**Section 33.** The foregoing capital improvements for which 5522  
appropriations are made from the Higher Education Improvement Fund 5523  
(Fund 034) are determined to be capital improvements and capital 5524  
facilities for state-supported or state-assisted institutions of 5525  
higher education, and are designated as the capital facilities to 5526  
which proceeds of obligations in the Higher Education Improvement 5527  
Fund, created by section 154.21 of the Revised Code, are to be 5528  
applied. All such appropriations are made to the Ohio Public 5529  
Facilities Commission for application to the purposes for which 5530  
appropriated through the exercise of its powers under Chapter 154. 5531  
of the Revised Code, including where appropriate, provisions 5532  
thereunder for production of revenues and receipts for bond 5533  
service charges on such obligations. 5534

**Section 34.** The Ohio Public Facilities Commission is hereby 5535  
authorized to issue and sell, in accordance with the provisions of 5536  
Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of 5537  
the Revised Code, particularly section 154.21 of the Revised Code, 5538

original obligations in an aggregate principal amount not to 5539  
exceed \$555,600,000 in addition to the original issuance of 5540  
obligations heretofore authorized by prior acts of the General 5541  
Assembly to pay costs of capital facilities for state-supported 5542  
and state-assisted institutions of higher education, the owners or 5543  
holders of which shall have no right to have excises or taxes 5544  
levied by the General Assembly for the payment of principal 5545  
thereof or interest thereon. 5546

**Section 35.** None of the foregoing capital improvements 5547  
appropriations for state-supported or state-assisted institutions 5548  
of higher education shall be expended until the particular 5549  
appropriation has been recommended for release by the Ohio Board 5550  
of Regents and released by the Director of Budget and Management 5551  
or the Controlling Board. Either the institution concerned, or the 5552  
Ohio Board of Regents with the concurrence of the institution 5553  
concerned, may initiate the request to the Director of Budget and 5554  
Management or the Controlling Board for the release of the 5555  
particular appropriations. 5556

(A) None of the foregoing capital improvement appropriations 5557  
shall be released for planning or for renovation or construction 5558  
or acquisition of capital facilities if the institution of higher 5559  
education or the state does not own the real property on which the 5560  
capital facilities are or will be located. This restriction does 5561  
not apply in any of the following circumstances: 5562

(1) The institution has a long-term (at least fifteen years) 5563  
lease of, or other interest (such as an easement) in, the real 5564  
property; 5565

(2) The Ohio Board of Regents certifies to the Controlling 5566  
Board that undue delay will occur if planning does not proceed 5567  
while the property or property interest acquisition process 5568

continues. In this case, funds may be released upon approval of 5569  
the Controlling Board to pay for planning through the development 5570  
of schematic drawings only. 5571

(3) In the case of an appropriation for capital facilities 5572  
for a state-supported or state-assisted institution of higher 5573  
education that, because of their unique nature or location, will 5574  
be owned or will be part of facilities owned by a separate 5575  
nonprofit organization or public body and made available to the 5576  
institution of higher education for its use, the nonprofit 5577  
organization or public body either owns or has a long-term (at 5578  
least fifteen years) lease of the real property or other capital 5579  
facility to be improved, renovated, constructed, or acquired and 5580  
has entered into a joint or cooperative use agreement, approved by 5581  
the Ohio Board of Regents, with the institution of higher 5582  
education for that institution's use of and right to use the 5583  
capital facilities being financed and, if applicable, improved, 5584  
the value of which use or right to use being, as determined by the 5585  
parties, reasonably related to the amount of the appropriation. 5586

(B) Any foregoing appropriations which require cooperation 5587  
between a technical college and a branch campus of a university 5588  
may be released by the Controlling Board upon recommendation by 5589  
the Ohio Board of Regents that the facilities proposed by the 5590  
institutions are: 5591

(1) The result of a joint planning effort by the university 5592  
and the technical college, satisfactory to the Ohio Board of 5593  
Regents; 5594

(2) Facilities that will meet the needs of the region in 5595  
terms of technical and general education, taking into 5596  
consideration the totality of facilities which will be available 5597  
after the completion of these projects; 5598

(3) Planned to permit maximum joint use by the university and 5599

technical college of the totality of facilities which will be 5600  
available after completion of these projects; 5601

(4) To be located on or adjacent to the branch campus of the 5602  
university. 5603

(C) The Ohio Board of Regents shall adopt rules regarding the 5604  
release of moneys from all the foregoing appropriations for 5605  
capital facilities for all state-supported or state-assisted 5606  
institutions of higher education. Such rules for the release of 5607  
moneys for capital facilities that, because of their unique nature 5608  
or location, will be owned or will be part of facilities owned by 5609  
a separate nonprofit organization or public body and made 5610  
available to the institution of higher education for its use shall 5611  
include, as a minimum, provisions that: 5612

(1) Provide for a joint or cooperative use agreement, 5613  
specifying the extent and nature of that use, extending for no 5614  
fewer than fifteen years, to be approved by the Ohio Board of 5615  
Regents; the value of such use or right to use shall be, as 5616  
determined by the parties, reasonably related to the amount of the 5617  
appropriation; 5618

(2) Provide for pro rata reimbursement to the state should 5619  
the arrangement for joint or cooperative use be terminated; 5620

(3) Provide that procedures to be followed during the capital 5621  
improvement process will comply with appropriate applicable state 5622  
laws and rules, including provisions of this act; 5623

(4) Provide for payment or reimbursement to the institution 5624  
of its administrative costs incurred as a result of the facilities 5625  
project, which will be limited to actual direct administrative 5626  
costs incurred as a result of the facilities project, as approved 5627  
by the Office of Budget and Management, but in any case not 5628  
exceeding 1.5 per cent of the appropriated amount. 5629

(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

**Section 36.** The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, shall not apply to projects of community college districts and technical college districts.

**Section 37.** Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget.

**Section 38.** For those institutions that locally administer capital improvement projects pursuant to sections 3345.50 and 3345.51 of the Revised Code, reimbursement may be made from state capital appropriations to the institution for the in-house design services performed by the institution for locally administered capital projects. Acceptable charges shall be limited to design

document preparation work that is done by the institution. These 5660  
reimbursable design costs shall be shown as "A/E fees" within the 5661  
project's budget that is submitted to the Controlling Board or the 5662  
Director of Budget and Management as part of a request for release 5663  
of funds. The reimbursement for in-house design shall not exceed 5664  
seven per cent of the estimated construction cost. 5665

**Section 39.** All items set forth in this section are hereby 5666  
appropriated out of any moneys in the state treasury to the credit 5667  
of the Parks and Recreation Improvement Fund (Fund 035) created by 5668  
division (F) of section 154.22 of the Revised Code, derived from 5669  
the proceeds of obligations heretofore and herein authorized, to 5670  
pay costs of capital facilities, as defined in section 154.01 of 5671  
the Revised Code, for parks and recreation. 5672

Appropriations 5673

DNR DEPARTMENT OF NATURAL RESOURCES 5674

CAP-012	Land Acquisition	\$	500,000	5675
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	2,835,000	5676
CAP-331	Park Boating Facilities	\$	1,090,000	5677
CAP-390	State Park Maintenance Facility Development	\$	500,000	5678
CAP-718	Grand Lake St. Mary's State Park	\$	500,000	5679
CAP-748	Local Parks Projects	\$	2,000,000	5680
CAP-787	Scioto Riverfront Improvements	\$	12,000,000	5681
CAP-789	Great Miami Riverfront Improvements	\$	2,650,000	5682
CAP-821	State Park Dredging and Shoreline Protection	\$	1,350,000	5683
CAP-874	Statewide Trails Program	\$	2,500,000	5684
CAP-928	Handicapped Accessibility	\$	250,000	5685
CAP-931	Wastewater/Water Systems Upgrade	\$	2,000,000	5686
Total Department of Natural Resources		\$	28,175,000	5687



**Section 41.** The Ohio Public Facilities Commission is hereby 5718  
authorized to issue and sell, in accordance with the provisions of 5719  
Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of 5720  
the Revised Code, particularly section 154.22 of the Revised Code, 5721  
original obligations in an aggregate principal amount not to 5722  
exceed \$31,200,000 in addition to the original issuance of 5723  
obligations heretofore authorized by prior acts of the General 5724  
Assembly to pay costs of capital facilities for parks and 5725  
recreation, the owners or holders of which obligations shall have 5726  
no right to have excises or taxes levied by the General Assembly 5727  
for the payment of principal thereof or interest thereon. 5728

**Section 42.** (A) No capital improvement appropriations made in 5729  
Section 39 of this act shall be released for planning or for 5730  
improvement, renovation, or construction or acquisition of capital 5731  
facilities if a governmental agency, as defined in section 154.01 5732  
of the Revised Code, does not own the real property that 5733  
constitutes the capital facilities or on which the capital 5734  
facilities are or will be located. This restriction does not apply 5735  
in any of the following circumstances: 5736

(1) The governmental agency has a long-term (at least fifteen 5737  
years) lease of, or other interest (such as an easement) in, the 5738  
real property; 5739

(2) In the case of an appropriation for capital facilities 5740  
for parks and recreation that, because of their unique nature or 5741  
location, will be owned or be part of facilities owned by a 5742  
separate nonprofit organization and made available to the 5743  
governmental agency for its use or operated by the nonprofit 5744  
organization under contract with the governmental agency, the 5745  
nonprofit organization either owns or has a long-term (at least 5746  
fifteen years) lease of the real property or other capital 5747

facility to be improved, renovated, constructed, or acquired and 5748  
has entered into a joint or cooperative use agreement, approved by 5749  
the Department of Natural Resources, with the governmental agency 5750  
for that agency's use of and right to use the capital facilities 5751  
to be financed and, if applicable, improved, the value of such use 5752  
or right to use being, as determined by the parties, reasonably 5753  
related to the amount of the appropriation. 5754

(B) In the case of capital facilities referred to in division 5755  
(A)(2) of this section, the joint or cooperative use agreement 5756  
shall include, as a minimum, provisions that: 5757

(1) Specify the extent and nature of that joint or 5758  
cooperative use, extending for no fewer than fifteen years, with 5759  
the value of such use or right to use to be, as determined by the 5760  
parties and approved by the approving department, reasonably 5761  
related to the amount of the appropriation; 5762

(2) Provide for pro rata reimbursement to the state should 5763  
the arrangement for joint or cooperative use by a governmental 5764  
agency be terminated; and 5765

(3) Provide that procedures to be followed during the capital 5766  
improvement process will comply with appropriate applicable state 5767  
laws and rules, including provisions of this act. 5768

**Section 43.** 5769

Coal Research and Development Bonds

The Commissioners of the Sinking Fund, upon the request of 5770  
the Director of the Ohio Coal Development Office with the advice 5771  
of the Technical Advisory Committee created in section 1551.35 of 5772  
the Revised Code and the approval of the Director of Development, 5773  
are hereby authorized to issue and sell, in accordance with 5774  
Section 15 of Article VIII, Ohio Constitution, and section 1555.08 5775  
of the Revised Code, bonds or other obligations of the State of 5776

Ohio heretofore authorized by prior acts of the General Assembly. 5777  
The obligations shall be dated, issued, and sold from time to time 5778  
in such amounts as may be necessary to provide sufficient moneys 5779  
to the credit of the Coal Research and Development Fund created in 5780  
section 1555.15 of the Revised Code to pay costs charged to such 5781  
fund when due as estimated by the Director of the Ohio Coal 5782  
Development Office. 5783

**Section 44.** 5784

State Capital Improvements Fund

The Treasurer of State is hereby authorized pursuant to 5785  
section 164.09 of the Revised Code to issue and sell, in 5786  
accordance with Section 2m of Article VIII, Ohio Constitution, and 5787  
sections 164.01 to 164.12 of the Revised Code, original 5788  
obligations of the State of Ohio, heretofore authorized by prior 5789  
acts of the General Assembly. These authorized obligations shall 5790  
be issued and sold from time to time and in amounts necessary to 5791  
assure sufficient moneys to the credit of the State Capital 5792  
Improvements Fund (Fund 038) to pay costs charged to that fund, as 5793  
estimated by the Director of Budget and Management. 5794

**Section 45.** Each request for release of appropriations for 5795  
any and all capital improvements and capital facilities for which 5796  
appropriations are made in this act from the proceeds of 5797  
obligations in the Sports Facilities Building Fund (Fund 024), the 5798  
Administrative Building Fund (Fund 026), the Adult Correctional 5799  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 5800  
(Fund 028), the Arts Facilities Building Fund (Fund 030), the 5801  
Natural Resources Projects Fund (Fund 031), the School Building 5802  
Program Assistance Fund (Fund 032), the Mental Health Facilities 5803  
Improvement Fund (Fund 033), the Higher Education Improvement Fund 5804  
(Fund 034), and the Parks and Recreation Improvements Fund (Fund 5805

035) shall have the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys are appropriated for and will be available for rental payments to the Ohio Public Facilities Commission, the Treasurer of State, and the Ohio Building Authority in the then-current fiscal biennium relating to obligations or portions of obligations issued or to be issued in that fiscal biennium to fund, in the then-current fiscal biennium, anticipated expenditures from these funds associated with the request. This requirement is in addition to other requirements under this act and the Revised Code.

**Section 46.**

Certification of Availability of Moneys

No moneys that require release shall be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and expenses. Nothing herein shall be construed as a limitation on the authority of the Director of Budget and Management as granted in section 126.08 of the Revised Code.

**Section 47.** The appropriations made in this act for buildings or structures, including remodeling and renovations, are limited to:

(A) Acquisition of real property;

(B) Buildings and structures, which includes construction, demolition, complete heating, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;

(C) Architectural, engineering, and professional services	5834
expenses directly related to the projects;	5835
(D) Machinery that is a part of structures at the time of	5836
initial acquisition or construction;	5837
(E) Equipment that meets all the following criteria:	5838
(1) The equipment is essential in bringing the facility up to	5839
its intended use.	5840
(2) The unit cost of the equipment, and not the individual	5841
parts of a unit, is about \$100 or more.	5842
(3) The equipment has a useful life of five years or more.	5843
(4) The equipment is necessary for the functioning of a	5844
particular facility.	5845
(5) The equipment will be used primarily in the rooms or	5846
areas covered in the project.	5847
Equipment, such as motor vehicles, adding machines,	5848
calculators, dictating machines, computers and computer	5849
peripherals, typewriters, word processors, or other such items,	5850
including items used for normal supplies and maintenance, shall	5851
not be purchased unless it is an integral part of, or directly	5852
related to, the basic purpose or function of a project for which	5853
moneys are appropriated and meets all the criteria of division (E)	5854
of this section.	5855
<b>Section 48.</b> Any request for release of capital appropriations	5856
by the Director of Budget and Management or the Controlling Board	5857
of capital appropriations for projects, the contracts for which	5858
are awarded by the Department of Administrative Services, as	5859
authorized by law, shall contain a contingency reserve, the amount	5860
of which is to be determined by the Department of Administrative	5861
Services, for payment of unanticipated project expenses. Any	5862

amount deducted from the encumbrance for a contractor's contract 5863  
as an assessment for liquidated damages shall be added to the 5864  
encumbrance for the contingency reserve. Contingency reserve funds 5865  
shall be used to pay costs resulting from unanticipated job 5866  
conditions, to comply with rulings regarding building and other 5867  
codes, to pay costs related to errors or omissions in contract 5868  
documents, and to pay the cost of settlements and judgments 5869  
related to the project. 5870

Upon completion of a project, should any funds remain, such 5871  
remaining funds may, upon approval of the Controlling Board, be 5872  
released for the use of the institution to which the appropriation 5873  
was made for another capital facilities project or projects. 5874

**Section 49.** 5875

Agency Administration of Capital Facilities Projects

Notwithstanding sections 123.01 and 123.15 of the Revised 5876  
Code, the Director of Administrative Services may authorize the 5877  
Departments of Mental Health, Mental Retardation and Developmental 5878  
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 5879  
Rehabilitation and Correction, Youth Services, Public Safety, 5880  
Transportation, the Bureau of Employment Services, and the 5881  
Rehabilitation Services Commission to administer any capital 5882  
facilities projects when the estimated cost, including design 5883  
fees, construction, equipment, and contingency amounts, is less 5884  
than \$1,500,000. Within sixty days after the effective date of the 5885  
section of the act in which the General Assembly initially makes 5886  
an appropriation for the project, the director of the respective 5887  
state agency shall notify the Department of Administrative 5888  
Services in writing of its intent to administer a project. 5889

The director of the respective state agency choosing to 5890  
5891

administer a capital facilities project pursuant to this section 5892  
shall comply with the procedures and guidelines established in 5893  
Chapter 153. of the Revised Code. Upon the approval of the release 5894  
of funds by the Controlling Board or the Director of Budget and 5895  
Management, these agencies may administer capital projects under 5896  
their jurisdiction without the supervision, control, or approval 5897  
of the Department of Administrative Services as specified in those 5898  
sections. 5899

**Section 50.** 5900

Satisfaction of Judgments and Settlements Against the State

An appropriation contained in this act may be used for the 5901  
purpose of satisfying judgments or settlements in connection with 5902  
civil actions against the state in federal court not barred by 5903  
sovereign immunity or the Eleventh Amendment to the Constitution 5904  
of the United States, or for the purpose of satisfying judgments, 5905  
settlements, or administrative awards ordered or approved by the 5906  
Court of Claims in connection with civil actions against the 5907  
state, pursuant to section 2743.15, 2743.19, or 2743.191 of the 5908  
Revised Code. This authorization shall not apply to appropriations 5909  
to be applied to or used for payment of guarantees by or on behalf 5910  
of the state, for or relating to lease payments or debt service on 5911  
bonds, notes, or similar obligations and those from the Sports 5912  
Facilities Building Fund (Fund 024), the Highway Safety Building 5913  
Fund (Fund 025), the Administrative Building Fund (Fund 026), the 5914  
Adult Correctional Building Fund (Fund 027), the Juvenile 5915  
Correctional Building Fund (Fund 028), the Transportation Building 5916  
Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the 5917  
Natural Resources Projects Fund (Fund 031), the School Building 5918  
Program Assistance Fund (Fund 032), the Mental Health Facilities 5919  
Improvement Fund (Fund 033), the Higher Education Improvement Fund 5920  
(Fund 034), the Parks and Recreation Improvement Fund (Fund 035), 5921

the State Capital Improvements Fund (Fund 038), the Highway  
Obligation Fund (Fund 041), the Coal Research/Development Fund  
(Fund 046), and any other fund into which proceeds of obligations  
are deposited. Nothing contained in this section is intended to  
subject the state to suit in any forum in which it is not  
otherwise subject to suit, nor is it intended to waive or  
compromise any defense or right available to the state in any suit  
against it.

**Section 51.** Notwithstanding section 126.14 of the Revised  
Code, appropriations for appropriation items CAP-002, Local Jails,  
and CAP-003, Community-Based Correctional Facilities, appropriated  
from the Adult Correctional Building Fund (Fund 027) to the  
Department of Rehabilitation and Correction shall be released upon  
the written approval of the Director of Budget and Management and  
the appropriations from the Public School Building Fund (Fund 021)  
and the School Building Program Assistance Fund (Fund 032) to the  
School Facilities Commission may be released by the Director of  
Budget and Management upon presentation of a request to release  
the funds by the executive director of the Commission.

**Section 52.** Except as provided in section 4115.04 of the  
Revised Code, no moneys appropriated or reappropriated by the  
122nd General Assembly shall be used for the construction of  
public improvements, as defined in section 4115.03 of the Revised  
Code, unless the mechanics, laborers, or workers engaged therein  
are paid the prevailing rate of wages as prescribed in section  
4115.04 of the Revised Code. Nothing in this section shall affect  
the wages and salaries established for state employees under the  
provisions of Chapter 124. of the Revised Code, or collective  
bargaining agreements entered into by the state pursuant to  
Chapter 4117. of the Revised Code, while engaged on force account  
work, nor shall this section interfere with the use of inmate and

patient labor by the state. 5953

**Section 53.** 5954

Capital Facilities Leases

Capital facilities for which appropriations are made from the 5955  
Sports Facilities Building Fund (Fund 024), the Administrative 5956  
Building Fund (Fund 026), the Adult Correctional Building Fund 5957  
(Fund 027), the Juvenile Correctional Building Fund (Fund 028), 5958  
and the Arts Facilities Building Fund (Fund 030) may be leased by 5959  
the Ohio Building Authority to the Department of Youth Services, 5960  
the Arts and Sports Facilities Commission, the Department of 5961  
Administrative Services, and the Department of Rehabilitation and 5962  
Correction and other agreements may be made by the Ohio Building 5963  
Authority and the departments with respect to the use or purchase 5964  
of such capital facilities or, subject to the approval of the 5965  
director of the department, or the commission, the Ohio Building 5966  
Authority may lease such capital facilities to, and make other 5967  
agreements with respect to the use or purchase thereof with, any 5968  
governmental agency or nonprofit corporation having authority 5969  
under law to own, lease, or operate such capital facilities. The 5970  
director of the department or the commission may sublease such 5971  
capital facilities to, and make other agreements with respect to 5972  
the use or purchase thereof with, any such governmental agency or 5973  
nonprofit corporation, which may include provisions for 5974  
transmittal of receipts of that agency or nonprofit corporation of 5975  
any charges for the use of such facilities, all upon such terms 5976  
and conditions as the parties may agree upon and any other 5977  
provision of law affecting the leasing, acquisition, or 5978  
disposition of capital facilities by such parties. 5979

**Section 54.** The Director of Budget and Management shall 5980  
authorize both of the following: 5981

(A) The initial release of moneys for projects from the 5982  
Sports Facilities Building Fund (Fund 024), the Highway Safety 5983  
Building Fund (Fund 025), the Administrative Building Fund (Fund 5984  
026), the Adult Correctional Building Fund (Fund 027), the 5985  
Juvenile Correctional Building Fund (Fund 028), the Transportation 5986  
Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 5987  
030), the Natural Resources Projects Fund (Fund 031), the School 5988  
Building Program Assistance Fund (Fund 032), the Mental Health 5989  
Facilities Improvement Fund (Fund 033), the Higher Education 5990  
Improvement Fund (Fund 034), and the Parks and Recreation Fund 5991  
(Fund 035); 5992

(B) The expenditure or encumbrance of moneys from any other 5993  
fund into which proceeds of obligations are deposited, only after 5994  
determining to the director's satisfaction that either of the 5995  
following has occurred: 5996

(1) The application of such moneys to the particular project 5997  
will not negatively affect any exemption or exclusion of the 5998  
interest on obligations, issued to provide moneys to the 5999  
particular fund, from federal income tax under federal law and 6000  
regulations at the time in effect or pending with retroactive 6001  
effect; 6002

(2) Moneys for the project will come from the proceeds of 6003  
obligations the interest on which is not so excluded or exempt and 6004  
which have been authorized as "taxable obligations" by the issuing 6005  
authority. The director shall report any nonrelease of moneys 6006  
pursuant to this section to the Governor, the presiding officer of 6007  
each house of the General Assembly, and the agency for the use of 6008  
which the project is intended. 6009

**Section 55.** No appropriation for a health care facility 6010  
authorized under this act may be released until the requirements 6011  
of sections 3702.51 to 3702.68 of the Revised Code have been met. 6012

**Section 56.** Any increase in appropriation authority by the 6013  
Director of Budget and Management pursuant to division (B) of 6014  
section 153.17 of the Revised Code is hereby appropriated. 6015

**Section 57.** All proceeds received by the state as a result of 6016  
litigation, judgments, settlements, or claims, filed by or on 6017  
behalf of any state agency as defined by section 1.60 of the 6018  
Revised Code or state-supported or state-assisted institution of 6019  
higher education, for damages or costs resulting from the use, 6020  
removal, or hazard abatement of asbestos materials shall be 6021  
deposited in the Asbestos Abatement Distribution Fund. All funds 6022  
deposited into the Asbestos Abatement Distribution Fund (Fund 674) 6023  
are hereby appropriated to the Attorney General. To the extent 6024  
practicable, the proceeds placed in the Asbestos Abatement 6025  
Distribution Fund shall be divided among the state agencies and 6026  
state-supported or state-assisted institutions of higher education 6027  
in accordance with the general provisions of the bankruptcy 6028  
orders, settlement agreements, or judgments in the litigation 6029  
regarding the percentage of recovery. Distribution of the proceeds 6030  
to each state agency or state-supported or state-assisted 6031  
institution of higher education shall be made in accordance with 6032  
the Asbestos Abatement Distribution Plan to be developed by the 6033  
Attorney General, the Division of Public Works within the 6034  
Department of Administrative Services, and the Office of Budget 6035  
and Management. 6036

In those circumstances where asbestos litigation proceeds are 6037  
for reimbursement of expenditures made with funds outside the 6038  
state treasury or damages to buildings not constructed with state 6039  
appropriations, direct payments shall be made to the affected 6040  
institutions of higher education. Any proceeds received for 6041  
reimbursement of expenditures made with funds within the state 6042  
treasury or damages to buildings occupied by state agencies shall 6043

be distributed to the affected agencies with an intrastate 6044  
transfer voucher to the funds identified in the Asbestos Abatement 6045  
Distribution Plan. 6046

Such proceeds shall be used for additional asbestos abatement 6047  
or encapsulation projects, or for other capital improvements 6048  
except that proceeds distributed to the General Revenue Fund and 6049  
other funds that are not bond improvement funds may be used for 6050  
any purpose. The Controlling Board may, for bond improvement 6051  
funds, create appropriation items or increase appropriation 6052  
authority in existing appropriation items equaling the amount of 6053  
such proceeds. Such amounts approved by the Controlling Board are 6054  
hereby appropriated. Such proceeds deposited in bond improvement 6055  
funds shall not be expended until released by the Controlling 6056  
Board, which shall require certification by the Director of Budget 6057  
and Management that such proceeds are sufficient and available to 6058  
fund the additional anticipated expenditures. 6059

**Section 58.** No investment income earned on the Sports 6060  
Facilities Building Fund (Fund 024), the Highway Safety Building 6061  
Fund (Fund 025), the Administrative Building Fund (Fund 026), the 6062  
Adult Correctional Building Fund (Fund 027), the Juvenile 6063  
Correctional Building Fund (Fund 028), the Transportation Building 6064  
Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the 6065  
Natural Resources Projects Fund (Fund 031), the School Building 6066  
Program Assistance Fund (Fund 032), the Mental Health Facilities 6067  
Improvement Fund (Fund 033), the Higher Education Improvement Fund 6068  
(Fund 034), the Parks and Recreation Fund (Fund 035), the State 6069  
Capital Improvement Fund (Fund 038), the Highway Obligation Fund 6070  
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 6071  
other state fund into which proceeds of obligations are deposited 6072  
shall be encumbered or spent from those funds until a certificate 6073  
is provided by the issuer of the obligations which certifies to 6074

the Director of Budget and Management that there are sufficient 6075  
moneys available from the investment income or from other sources 6076  
to make any required payments to the federal government 6077  
contemplated by the applicable bond proceedings. The Director of 6078  
Budget and Management may authorize the investment income in 6079  
excess of those requirements to be encumbered or spent from those 6080  
funds. This requirement is in addition to any other requirement 6081  
under this act, the Revised Code, or the applicable bond or note 6082  
proceedings. 6083

**Section 59.** The capital improvements for which appropriations 6084  
are made in this act from the Sports Facilities Building Fund 6085  
(Fund 024), the Administrative Building Fund (Fund 026), the Adult 6086  
Correctional Building Fund (Fund 027), the Juvenile Correctional 6087  
Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 6088  
030), and the School Building Program Assistance Fund (Fund 032) 6089  
are determined to be capital improvements and capital facilities 6090  
for housing state agencies and branches of state government and 6091  
are designated as capital facilities to which proceeds of 6092  
obligations issued under Chapter 152. of the Revised Code are to 6093  
be applied. 6094

**Section 60.** Upon the request of the agency to which a capital 6095  
project appropriation item is appropriated, the Director of Budget 6096  
and Management may transfer open encumbrance amounts between 6097  
separate encumbrances for the project appropriation item to the 6098  
extent that any reductions in encumbrances are agreed to by the 6099  
contracting vendor and the agency. 6100

**Section 61.** In determining "aggregate principal amount" for 6101  
purposes of sections of this act authorizing the issuance of 6102  
obligations, and the sections of prior acts referred to in those 6103  
sections, the principal amount of a "capital appreciation bond" as 6104

defined in division (C) of section 3334.01 of the Revised Code 6105  
means its face amount, and of a "zero coupon bond" as defined in 6106  
division (K) of section 3334.01 of the Revised Code means the 6107  
discounted offering price at which the bond is initially sold to 6108  
the public, disregarding any purchase price discount to the 6109  
original purchaser if provided for pursuant to the authorizing law 6110  
of the Revised Code. 6111

**Section 62.** 6112

Public School Building Fund

When requested to do so by the Executive Director of the 6113  
School Facilities Commission, the Controlling Board may increase 6114  
appropriations in the Public School Building Fund (Fund 021) based 6115  
on revenues received by the fund, including cash transfers and 6116  
interest that may accrue to the fund. 6117

**Section 63.** 6118

Interest Earnings

All investment earnings credited to the Public School 6119  
Building Fund (Fund 021) and the School Building Program 6120  
Assistance Fund (Fund 032) prior to the effective date of this 6121  
section shall be retained by the funds. 6122

**Section 64.** 6123

Low and Moderate Income Housing Trust Fund

Within thirty days after the effective date of this section, 6124  
the Director of Budget and Management shall transfer \$250,000 in 6125  
cash from Fund 027, Adult Correctional Building Fund, to Fund 646, 6126  
Low and Moderate Income Housing Trust Fund, and the amount is 6127  
hereby appropriated to appropriation item 195-638, Low and 6128  
Moderate Income Housing Trust Fund. Notwithstanding the 6129

eligibility standards that otherwise apply to recipients of 6130  
assistance from the Low and Moderate Income Housing Trust Fund, 6131  
this \$250,000 appropriation shall be used to provide grants for 6132  
the beautification, painting, and cleanup of houses and properties 6133  
bordering the Water Tower Park site in Cleveland. 6134

**Section 65.** 6135

GRF Transfers to the Public School Building Fund

Within thirty days after the effective date of this section, 6136  
the Director of Budget and Management shall transfer \$139,000,000 6137  
from the General Revenue Fund to Fund 021, the Public School 6138  
Building Fund. 6139

**Section 66.** 6140

Great Lakes Science Center - Per Cent for Arts Reimbursement

Notwithstanding sections 127.16 and 3379.10 of the Revised 6141  
Code, within thirty days after the effective date of this section, 6142  
encumbrance 991810, in the amount of \$50,000, which was 6143  
established in the name of the Ohio Arts Council in the state's 6144  
central accounting system in fiscal year 1996 by Cleveland State 6145  
University, shall be paid to the Great Lakes Science Center by 6146  
Cleveland State University. The payment reimburses the Center for 6147  
art purchased by the Center in lieu of its formal participation in 6148  
the Per Cent for Arts Program. 6149

**Section 67.** 6150

Capital Donations Fund

Within forty-five days after the effective date of this 6151  
section, the Director of Budget and Management, in consultation 6152  
with the Executive Director of the Ohio Arts and Sports Facilities 6153  
Commission, shall determine the unencumbered and unallotted 6154

balance of the amount in the Capital Donations Fund (Fund 5A1) 6155  
appropriation item 371-602. The Director of Budget and Management 6156  
shall transfer appropriations in that amount from appropriation 6157  
item 371-602, Capital Donations Fund, to a new appropriation item 6158  
CAP-602, Capital Donations Fund. The Director of Budget and 6159  
Management may cancel encumbrances and reestablish such 6160  
encumbrances or parts of encumbrances, in the appropriate 6161  
appropriation item and for the same purpose and vendor, as needed 6162  
in Fund 5A1. As determined by the director, the appropriation 6163  
authority necessary to establish such encumbrances in a different 6164  
appropriation item is hereby authorized and appropriated. 6165

**Section 68.** 6166

Capital Donations Fund Certifications and Appropriations

The Executive Director of the Arts and Sports Facilities 6167  
Commission shall certify to the Director of Budget and Management 6168  
the amount of cash receipts and related investment income, 6169  
irrevocable letters of credit from a bank, or certification of the 6170  
availability of funds which have been received from a county or a 6171  
city auditor for deposit to the Capital Donations Fund. These 6172  
amounts are hereby appropriated to appropriation item CAP-602, 6173  
Capital Donations, in Fund 5A1, Capital Donation Fund. Prior to 6174  
certifying these amounts to the Director, the Executive Director 6175  
shall make a written agreement with the participating entity on 6176  
the necessary cash flows required for the anticipated construction 6177  
or equipment acquisition project. 6178

**Section 69.** 6179

Reissuance of Voided Warrants

In order to provide funds for the reissuance of voided 6180  
warrants pursuant to section 117.47 of the Revised Code, there is 6181  
hereby appropriated, out of moneys in the state treasury from the 6182

fund credited as provided in section 117.47 of the Revised Code, 6183  
that amount sufficient to pay such warrants when approved by the 6184  
Office of Budget and Management. 6185

**Section 70.** 6186

Central State Deficit Funds for FY 1999

In addition to the provisions of division (B) of section 6187  
99.14 of Am. Sub. H.B. 215 of the 122nd General Assembly, with the 6188  
approval of the Director of Budget and Management the encumbered 6189  
appropriations remaining from appropriation item 042-407, Central 6190  
State Deficit, that are not needed for non-recurring expenses may 6191  
be disbursed in fiscal year 1999 for recurring operating expenses. 6192

**Section 71.** 6193

Cash Transfers From Obsolete Funds

Notwithstanding any other provision of law to the contrary, 6194  
within thirty days after the effective date of this section, the 6195  
Director of Budget and Management shall determine the cash 6196  
balances in the following obsolete funds, which were abolished by 6197  
prior legislation, and transfer such balances to the funds 6198  
indicated: 6199

<u>Obsolete Fund Number and Name</u>	<u>Transfer Cash Balance to This Fund</u>
Fund 495 State Acceptors Fund	Fund 4T6 Poultry and Meat Products Fund
Fund 4D3 Cosmetology Adjudication Fund	Fund 4K9 Occupational Licensing and Regulatory Fund
Fund 4K0 Beverage Tax Administrative Fund	General Revenue Fund

**Section 72.** 6205

Area Agency on Aging Region 9, Inc.

(A) Appropriation item 490-418, Area Agency on Aging Region 9, Inc., as established by the Controlling Board in fiscal year 1999, may be used to make grants to the Area Agency on Aging Region 9, Inc. for the purpose of resolving a projected deficit and assuring continued services of Department of Aging related programs that are provided by the Area Agency on Aging Region 9, Inc.

If a grant is made under this section, not later than June 1, 1999, the Director of Aging shall certify to the Director of Budget and Management the amount of deficit expenditures incurred during the current biennium by the Area Agency on Aging Region 9, Inc. If the amount of the grants are greater than the certified deficit, Area Agency on Aging Region 9, Inc. shall pay to the Director of Aging any amount granted to it under this provision that exceeds the certified deficit. In the event of the recovery of any moneys related to the deficit after the deficit has been certified, the Area Agency on Aging Region 9, Inc. shall repay to the Director of Aging the amount recovered. The Director of Aging shall deposit any repayment under this section to the credit of the General Revenue Fund.

(B) This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

**Section 73.**

Moratorium on Increases of Per Diem Payments to Medicaid Providers

The Ohio Department of Human Services shall not grant extreme circumstance or extreme hardship rate increases pursuant to

section 5111.29 of the Revised Code to otherwise qualifying 6233  
facilities as a result of workers' compensation premium increases 6234  
incurred during the period January 1, 1999, through December 31, 6235  
2000, unless the department first offsets the amount of any 6236  
workers' compensation rebate received by the facility in calendar 6237  
year 1998 against the amount of the workers' compensation premium 6238  
prompting the request. 6239

**Section 74.** Sections 3 to 73 of this act shall remain in full 6240  
force and effect commencing on the effective date of this section 6241  
and terminating on June 30, 2000, for the purpose of drawing money 6242  
from the state treasury in payment of liabilities lawfully 6243  
incurred hereunder, and on June 30, 2000, and not before, the 6244  
moneys hereby appropriated shall lapse into the funds from which 6245  
they are severally appropriated. 6246

**Section 75.** (A) The Governor is hereby authorized to execute 6247  
a deed in the name of the State conveying to the Apple Creek 6248  
Volunteer Fire Department and Emergency Squad, Inc., Wayne County, 6249  
Ohio, and its successors and assigns, all of the state's right, 6250  
title, and interest in the following described real estate: 6251

Being situated in the State of Ohio, County of Wayne, Township of 6252  
East Union, Range 12 West, Township 16 North, Southwest Quarter of 6253  
Section 21, presently in the name of State of Ohio as recorded in 6254  
the Wayne County Records of Deeds Volume 207, page 220, and more 6255  
fully described as follows: 6256

Commencing for reference at a railroad spike set marking the 6257  
northwest corner of the southwest quarter of Section 21 and in the 6258  
center line of Apple Creek Road - C.R. 44; 6259

1. Along the west line of said quarter Section and along  
said center line S 00°56'41" W 1681.65 feet to a  
railroad spike set and the true place of beginning;

Thence courses 2 and 3 subdividing land presently in the name of State of Ohio (V. 207, P. 220):

2. S 89°22'50" E 515.35 feet to an iron pin set and passing through an iron pin set at 30.00 feet;
3. S 00°56'41" W 211.32 feet to an iron pin set on the north line of land presently in the name of Board of Trustees of East Union Twp. (O.R. 54, P. 442);
4. Along said north line N 89°22'50" W 515.35 feet to a P.K. nail found on the west line of the southwest quarter of Section 21 and in the center line of Apple Creek Road - C.R. 44 and passing through an iron pin found at 485.35 feet;
5. Along said lines N 00°56'41" E 211.32 feet to the true place of beginning.

This survey contains 2.500 acres (2.354 acres outside road right-of-way), is subject to all easements of record, its bearings are established from Survey "JJ"-200 and are to denote angular measurement only, and is a description of a field survey completed by Jim Shamp, Reg. Sur. No. S-6088, dated March 25, 1998. Iron pins set are 5/8" x 30" iron re-bars with plastic I.D. caps. Iron pins found are 5/8" re-bar unless otherwise noted.

(B) Consideration for conveyance of the real estate described in division (A) of this section is a purchase price of \$20,000.00.

(C) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Apple Creek Volunteer Fire Department and

Emergency Squad, Inc. The Apple Creek Volunteer Fire Department 6285  
and Emergency Squad, Inc., shall present the deed for recording in 6286  
the Office of the Wayne County Recorder. 6287

(D) The Apple Creek Volunteer Fire Department and Emergency 6288  
Squad, Inc., shall pay the costs of the conveyance of the real 6289  
estate described in division (A) of this section. 6290

(E) This section expires one year after its effective date. 6291

**Section 76.** (A) The Governor is hereby authorized to execute 6292  
deeds in the name of the state as follows: (1) the first conveying 6293  
to the Cambridge City School District and its successors and 6294  
assigns all of the state's right, title, and interest in the real 6295  
estate described in this division as Parcel One, and (2) the 6296  
second conveying to Cambridge Township and its successors and 6297  
assigns all of the state's right, title, and interest in the real 6298  
estate described in this division as Parcel Two. 6299

Parcel One 6300

Situated in the Township of Cambridge, County of Guernsey, 6301  
State of Ohio and being 62.554 acres in the northwest and 6302  
southwest quarters of section 3 of Township 2 north Range 3 west 6303  
of the United States Military District and being more particularly 6304  
described as follows, 6305

BEGINNING at a magnail/flasher set in County road 35 at the 6306  
northeast corner of the southwest quarter of said section 3 thence 6307  
with said County road and with the lands of James H and Mary E 6308  
Thorn as recorded in deed volume 365 page 930 and the lands of 6309  
William J Craft as recorded in official records volume 49 page 906 6310  
the next two calls, 6311

1) S 01° 40' 04" W a distance of 536.21 feet to a point, said 6312  
point being referenced by an iron pin set which bears N 88° 53' 6313  
11" W a distance of 20.00 feet. 6314

2) thence with a curve to the right having the following 6315  
properties, Delta =  $32^{\circ} 12' 34''$ , Radius = 572.96 feet and a chord 6316  
that bears S  $17^{\circ} 13' 06''$  W a distance of 317.87 feet to a point, 6317  
said point being referenced by an iron pin set which bears N  $56^{\circ}$  6318  
 $40' 37''$  W a distance of 40.00 feet thence continuing with said 6319  
county road and with the lands of James A. and Laurie J Endly as 6320  
recorded in Official Records Volume 107 page 857 S  $35^{\circ} 58' 38''$  W a 6321  
distance of 221.14 feet to a point, said point being referenced by 6322  
an iron pin set which bears N  $59^{\circ} 19' 42''$  W a distance of 40.00 6323  
feet thence continuing with said county road and with the lands of 6324  
Larry J. Sr. and Thelma Burt as recorded in Deed Volume 372 page 6325  
884 and with the lands of Robert S. and Violet J. Goddard as 6326  
recorded in official records volume 93 page 404 the next two 6327  
calls, 6328

1) thence with a curve to the left having the following 6329  
properties, Delta =  $86^{\circ} 40' 41''$ , Radius = 197.00 feet and a chord 6330  
that bears S  $12^{\circ} 40' 03''$  E a distance of 270.41 feet to a point, 6331  
said point being referenced by an iron pin set which bears S  $33^{\circ}$  6332  
 $59' 37''$  W a distance of 20.00 feet 6333

2) S  $51^{\circ} 30' 23''$  E a distance of 182.13 feet to a point 6334  
thence leaving said road and with the lands of Warren D. and 6335  
Janesa M. High as recorded in Official Records Volume 31 page 218 6336  
the next two calls. 6337

1) S  $01^{\circ} 37' 08''$  W a distance of 902.56 feet to a 5/8 inch 6338  
capped rebar found having passed through a 5/8 inch capped rebar 6339  
found at 40.60 feet. 6340

2) S  $01^{\circ} 37' 08''$  W a distance of 400.00 feet to a point on 6341  
the north bank of Wills Creek thence with the north bank of said 6342  
Wills Creek and with the lands of Luetta Mae and Joseph T. Goggin 6343  
as recorded in Official Records Volume 85 page 199 the next three 6344  
calls, 6345

- 1) N 35° 18' 52" W a distance of 678.76 feet to a point. 6346
- 2) N 18° 55' 52" W a distance of 307.51 feet to a point. 6347
- 3) N 04° 21' 52" W a distance of 478.84 feet to a point 6348  
thence continuing with the lands of said Goggin and with a line in 6349  
said Wills Creek N 59° 55' 02" W a distance of 1382.71 feet to a 6350  
point thence leaving said creek and with a line through the lands 6351  
of The State of Ohio as recorded in deed volume 215 page 522 the 6352  
next seven calls, 6353
- 1) N 27° 22' 08" E a distance of 100.00 feet to a 5/8 inch 6354  
rebar found capped "USA781WR" 6355
- 2) N 38° 42' 39" E a distance of 447.15 feet to an iron pin 6356  
set. 6357
- 3) N 01° 22' 17" E a distance of 280.00 feet to a magnail set 6358  
in the center of a private paved road having passed through an 6359  
iron pin set at 260.00 feet. 6360
- 4) N 88° 37' 43" W a distance of 55.00 feet to a magnail set 6361  
in the center of a private paved road. 6362
- 5) N 01° 30' 00" E a distance of 266.59 feet to a magnail set 6363  
in the center of a private paved road. 6364
- 6) S 88° 38' 06" E a distance of 620.16 feet to a magnail set 6365  
in the center of a private paved road. 6366
- 7) S 88° 38' 06" E a distance of 905.48 feet to a point in 6367  
county road 35 having passed through iron pins set at 300.00 feet 6368  
and 855.48 feet thence with a line in said county road and with 6369  
the lands of Jack D. McWilliams as recorded in Deed Volume 277 6370  
page 633 S 02° 07' 52" W a distance of 266.78 feet to the 6371  
BEGINNING and containing 62.554 acres and being a part of the 6372  
property conveyed to the State of Ohio in Deed Volume 215 page 6373  
522. 9.331 acres being in said northwest quarter and 53.223 acres 6374  
being in said southwest quarter. 6375

Subject to all leases or easements of record. Iron pins set 6376  
are 5/8 inch rebar, 30 inches long capped "GARDNER PS-6884". 6377  
Bearings are true and are based on a solar observation. A survey 6378  
of the above described property was made on October 19, 1998 by 6379  
Steven L. Gardner, registered surveyor #6884. 6380

Parcel Two 6381

Situated in the Township of Cambridge, County of Guernsey, 6382  
State of Ohio and being 15.842 acres in the southwest quarter of 6383  
section 3 of Township 2 north Range 3 west of the United States 6384  
Military District and being more particularly described as 6385  
follows, 6386

Commencing at a magnail/flasher set in County road 35 at the 6387  
northeast corner of the southwest quarter of said section 3 thence 6388  
N 88° 37' 43" W a distance of 1467.70 feet to a magnail set in a 6389  
private road the BEGINNING thence with a line through the lands of 6390  
The State of Ohio as recorded in Deed Volume 215 page 522 the next 6391  
three calls, 6392

1) S 01° 22' 17" W a distance of 280.00 feet to an iron pin 6393  
set having passed through an iron pin set at 20.00 feet. 6394

2) S 38° 42' 39" W a distance of 447.15 feet to a 5/8 inch 6395  
rebar found capped "USA781WR" 6396

3) S 27° 22' 08" W a distance of 100.00 feet to a point in 6397  
Wills Creek thence with a line in said Wills Creek and with the 6398  
lands of Luetta Mae and Joseph T. Goggin as recorded in Official 6399  
Records Volume 85 page 199 the next two calls, 6400

1) N 69° 11' 17" W a distance of 573.29 feet to a point said 6401  
point being referenced by an iron pin set which bears N 16° 13' 6402  
06" E a distance of 59.52 feet. 6403

2) N 78° 10' 52" W a distance of 402.96 feet to a point 6404  
thence leaving said creek and with the west line of said southwest 6405

quarter N 02° 21' 33" E a distance of 461.58 feet to a magnail set 6406  
in the center of a private road having passed through iron pins 6407  
set at 31.58 feet and 441.58 feet thence with the center of said 6408  
private road the next two calls, 6409

1) S 88° 37' 43" E a distance of 1188.97 feet to a magnail 6410  
set. 6411

2) S 88° 37' 43" E a distance of 55.00 feet to the BEGINNING 6412  
and containing 15.842 acres and being a part of the property 6413  
conveyed to the State of Ohio in Deed Volume 215 page 522. 6414

Subject to all leases or easements of record. Iron pins set 6415  
are 5/8 inch rebar, 30 inches long capped "GARDNER PS-6884". 6416  
Bearings are true and are based on a solar observation. A survey 6417  
of the above described property was made on October 19, 1998 by 6418  
Steven L. Gardner, registered surveyor #6884. 6419

(B) Consideration for conveyance of the real estate described 6420  
in division (A) of this section shall be cash or services, or a 6421  
combination of cash and services, as agreed to by the Cambridge 6422  
City School District, Cambridge Township, and the Department of 6423  
Mental Health in the Memorandum of Agreement described in division 6424  
(D) of this section, the value of which shall be \$105,225. 6425  
6426

(C) The Cambridge City School District and Cambridge Township 6427  
shall pay the costs of the conveyance of the real estate described 6428  
in division (A) of this section. Cash proceeds from the sale shall 6429  
be deposited in the Department of Mental Health Trust Fund in 6430  
accordance with section 5119.18 of the Revised Code. 6431

(D) Within thirty days after the effective date of this 6432  
section, the Cambridge City School District, Cambridge Township, 6433  
and the Department of Mental Health shall enter into a Memorandum 6434  
of Agreement outlining the financing plan for the type and payment 6435  
of consideration to the state and the time frame for closing of 6436

the property. If the parties fail to comply with this requirement 6437  
within such thirty days, or within an extended time frame agreed 6438  
to by the state, by and through the Department of Mental Health, 6439  
the state may immediately terminate its obligation to proceed with 6440  
the conveyance of the real estate described in division (A) of 6441  
this section. 6442

(E) Within one year after the effective date of this section, 6443  
and upon either payment of any cash portion of the purchase price 6444  
or the memorialization of the agreement for the provision of 6445  
services by the Cambridge City School District and Cambridge 6446  
Township, or both payment and memorialization, the Auditor of 6447  
State, with the assistance of the Attorney General, shall prepare 6448  
the deeds to the real estate described in division (A) of this 6449  
section. One deed shall be for the conveyance to the Cambridge 6450  
City School District of the real estate described in division (A) 6451  
of this section as Parcel One, and the other deed shall be for the 6452  
conveyance to Cambridge Township of the real estate described in 6453  
division (A) of this section as Parcel Two. The deeds shall state 6454  
the consideration specified in division (B) of this section and 6455  
the costs described in division (C) of this section. The deeds 6456  
shall be executed by the Governor in the name of the state, 6457  
countersigned by the Secretary of State, sealed with the Great 6458  
Seal of the State, and presented in the Office of the Auditor of 6459  
State for recording. The deed for Parcel One shall be delivered to 6460  
the Cambridge City School District, and the deed for Parcel Two 6461  
shall be delivered to Cambridge Township. The Cambridge City 6462  
School District and Cambridge Township shall present the deeds for 6463  
recording in the Office of the Guernsey County Recorder. 6464

(F) This section shall expire one year after its effective 6466  
date. 6467

**Section 77.** (A) The Governor is hereby authorized to execute 6468  
a deed in the name of the state conveying to Muskingum Area 6469  
Adolescent Treatment Services, Inc., and its successors and 6470  
assigns all of the state's right, title, and interest, including 6471  
mineral rights, in the following described real estate known as 6472  
the Thompkins Center, located in Guernsey County, and further 6473  
described as follows: 6474

Tract One 6475

Situated in the City of Cambridge in the County of Guernsey 6476  
and the State of Ohio: Known as and being Lots numbered Seven (7) 6477  
and Eight (8) in Block One (1) in the Urban Terrace Addition to 6478  
the City of Cambridge, Ohio, as will appear in the recorded plat 6479  
thereof, and subject to the restrictions, covenants and conditions 6480  
of said addition. 6481

Deed reference: Volume 339, page 18 6482

Tract Two 6483

Situated in the City of Cambridge, County of Guernsey and 6484  
State of Ohio: Known as and being Lots Nine (9) and Ten (10) in 6485  
Block One (1) in Urban Terrace Addition to said City of Cambridge, 6486  
as said lots are marked and delineated on the recorded plat of 6487  
said addition on file and of record in Plat Book 8, Pages 27, 28 6488  
and 29, in the Office of the Recorder of said County and State. 6489

Said lots and parcels thereof are conveyed upon the following 6490  
conditions which run with the land, to wit: 6491

First: No intoxicating liquors shall be sold or kept for sale 6492  
on said premises; 6493

Second: No building or porch shall be erected or maintained 6494  
on the parking of said premises as designated and delineated on 6495  
the recorded plat of said addition; 6496

Third: No dwelling, the actual cost of which is less than 6497  
\$1,200.00, shall be erected on said premises. No barn, stable or 6498  
other out-buildings shall be erected within sixty-five (65) feet 6499  
of the west line of Sixteenth Street. 6500

Deed reference: Volume 339, pages 14-17 6501

Such deed shall be subject to existing easements, leases, 6502  
rights-of-way and legal highways. 6503

The conveyance described in this division shall include any 6504  
buildings erected on the real estate and the contents of those 6505  
buildings as described in division (B) of this section. 6506

(B) Within fifteen days after the effective date of this 6507  
section, the Director of Mental Health shall prepare a list of all 6508  
state-owned furnishings located on the real estate described in 6509  
division (A) of this section and forward a copy of that list to 6510  
the State Office of State and Federal Surplus Property, 4200 6511  
Surface Road, Columbus, Ohio. 6512

(C) Consideration for the conveyance of the real estate 6513  
described in division (A) of this section and the furnishings 6514  
listed pursuant to division (B) of this section is the mutual 6515  
benefit accruing to the state, the City of Cambridge, and the 6516  
County of Guernsey from the use of the property by the Muskingum 6517  
Area Adolescent Treatment Services, Inc., for the delivery of 6518  
mental health services. 6519

(D) The costs of the conveyance of the real estate described 6520  
in division (A) of this section shall be paid by Muskingum Area 6521  
Adolescent Treatment Services, Inc. 6522

(E) The conveyance of the real estate described in division 6523  
(A) of this section is subject to the condition that Muskingum 6524  
Area Adolescent Treatment Services, Inc., and its successors, 6525  
assigns, and lessees shall use the real estate for the provision 6526

of mental health services. If Muskingum Area Adolescent Treatment  
Services, Inc., ceases to use the real estate to provide mental  
health services, the state may reenter upon its former estate. It  
shall not be a violation of this condition if Muskingum Area  
Adolescent Treatment Services, Inc., leases part or all of the  
real estate to another agency or agencies for the provision of  
mental health services.

(F) Within one year after the effective date of this section,  
the Auditor of State, with the assistance of the Attorney General,  
shall prepare a deed to the real estate described in division (A)  
of this section. The deed shall state the consideration stated in  
division (C) of this section and the condition and right of  
reentry specified in division (E) of this section. The deed shall  
be executed by the Governor in the name of the state,  
countersigned by the Secretary of State, sealed with the Great  
Seal of the State, presented in the Office of the Auditor of State  
for recording, and delivered to Muskingum Area Adolescent  
Treatment Services, Inc. Muskingum Area Adolescent Treatment  
Services, Inc., shall present the deed for recording in the Office  
of the Guernsey County Recorder.

(G) This section expires one year after its effective date.

**Section 78.** (A) The Governor is hereby authorized to execute  
a deed in the name of the state conveying to the Paint Valley  
Alcohol, Drug Addiction and Mental Health Board and its successors  
and assigns all of the state's right, title, and interest in a  
parcel of real estate known as the Greenfield Residence, located  
in Highland County, and further described as follows:

Situated in the City of Greenfield, County of Highland, State  
of Ohio, being part of Lot No. 396 of said City and being further  
bounded and described as follows:

Beginning at an iron pin marking the northwest corner of Lot 6558  
No. 396; thence with the northerly line of said Lot N 80 deg. 00 6559  
min. E a distance of 247.50 ft. to an iron pin marking the 6560  
northeast corner of said Lot; thence with the easterly line of 6561  
said Lot S 10 deg. 00 min. E a distance of 76.36 ft. to an iron 6562  
pin, said pin bearing N 10 deg. 00 min. W a distance of 8.14 ft. 6563  
from the southeast corner of said Lot No 396; thence with the line 6564  
of land now or formerly owned by Robert W. Head S 80 deg. 00 min. 6565  
W a distance of 247.50 ft. to an iron pin in the westerly line of 6566  
said Lot No. 396, said iron pin bearing N 10 deg. 00 min. W a 6567  
distance of 8.14 ft. from the southwest corner of said Lot; thence 6568  
with the westerly line of said Lot No. 396 N 10 deg. 00 min. W a 6569  
distance of 76.36 ft. to the point of beginning, Containing 0.433 6570  
acres of land. 6571

The above description is the same lands as owned by Claude H. 6572  
Clawson and Catherine Clawson and recorded in Vol. 301 Page 901, 6573  
Highland County Record of Deeds. 6574

Land surveyed May, 1977 by Michael L. McCarty, Registered 6575  
Surveyor No. 6315. 6576

The conveyance described in this division shall include any 6577  
buildings erected on the real estate and the contents of those 6578  
buildings. 6579

(B) Consideration for conveyance of the real estate described 6580  
in division (A) of this section is the mutual benefit accruing to 6581  
the state, to the City of Greenfield, and to the Paint Valley 6582  
Alcohol, Drug Addiction and Mental Health Board and the counties 6583  
served by that board, by having the Board be responsible for 6584  
maintaining the facility and for operating the facility as a 6585  
children's residential program. 6586

(C) The Paint Valley Alcohol, Drug Addiction and Mental 6587  
Health Board shall pay the costs of the conveyance of the real 6588

estate described in division (A) of this section. 6589

(D) The conveyance described in division (A) of this section 6590  
is subject to the condition that the Paint Valley Alcohol, Drug 6591  
Addiction and Mental Health Board and its successors, assigns, and 6592  
lessees shall use the real estate for the provision of mental 6593  
health services. If the property ceases to be used for the 6594  
provision of mental health services, the state may reenter upon 6595  
its former estate. It shall not be a violation of the condition 6596  
specified in this section if the Paint Valley Alcohol, Drug 6597  
Addiction and Mental Health Board leases all or part of the real 6598  
estate to another agency or agencies for the provision of mental 6599  
health services. 6600

(E) Within one year following the effective date of this 6601  
section, the Auditor of State, with the assistance of the Attorney 6602  
General, shall prepare a deed to the real estate described in 6603  
division (A) of this section. The deed shall state the 6604  
consideration specified in division (B) of this section and the 6605  
condition and right of reentry specified in division (D) of this 6606  
section. The deed shall be executed by the Governor in the name of 6607  
the state, countersigned by the Secretary of State, sealed with 6608  
the Great Seal of the State, presented in the Office of the 6609  
Auditor of State for recording, and delivered to the Paint Valley 6610  
Alcohol, Drug Addiction and Mental Health Board. The Paint Valley 6611  
Alcohol, Drug Addiction and Mental Health Board shall present the 6612  
deed for recording in the Office of the Highland County Recorder. 6613

(F) This section expires one year after its effective date. 6614

**Section 79.** (A) The Governor is hereby authorized to execute 6615  
a deed in the name of the state conveying to the Summit County 6616  
Alcohol, Drug Addiction and Mental Health Services Board and its 6617  
successors and assigns all of the state's right, title, and 6618  
interest in real estate known as the Edgerton House, located in 6619

Summit County, and further described as follows: 6620  
Situate in the State of Ohio, Summit County and City of Akron, 6621  
also being those lands conveyed to the State of Ohio by Deed of 6622  
Record in Deed Book 5864, Page 820, Recorder's Office, Summit 6623  
County, Ohio, and being more particularly described as follows: 6624  
Being all of Lots 21, 22, 23, and 26 and the east 33 feet of Lot 6625  
37 in the Wright Re-allotment of Ely Lots 81 and 82 in Tract 5 of 6626  
Portage Township, now in the City of Akron, said Re-allotment 6627  
being recorded in Plat Book 9, Page 2, Recorder's Office, Summit 6628  
County, Ohio and further known as 117 Edgerton Avenue, Akron, 6629  
Ohio. 6630

The conveyance described in this division shall include any 6631  
buildings erected on the real estate and the contents of those 6632  
buildings. 6633

(B) Consideration for conveyance of the real estate described 6634  
in division (A) of this section is the mutual benefit accruing to 6635  
the state, to the City of Akron, and to the Summit County Alcohol, 6636  
Drug Addiction and Mental Health Services Board, by having the 6637  
Board be responsible for maintaining the property and operating 6638  
the property as a residential mental health facility. 6639  
6640

(C) The Summit County Alcohol, Drug Addiction and Mental 6641  
Health Services Board shall pay the costs of the conveyance of the 6642  
real estate described in division (A) of this section. 6643

(D) The conveyance of the real estate described in division 6644  
(A) of this section is subject to the condition that the Summit 6645  
County Alcohol, Drug Addiction and Mental Health Services Board 6646  
and its successors, assigns, and lessees shall use the real estate 6647  
and furnishings for the provision of mental health services. If 6648  
the real estate ceases to be used for the provision of mental 6649

health services, the state may reenter upon its former estate. It 6650  
shall not be a violation of the condition specified in this 6651  
division if the Summit County Alcohol, Drug Addiction and Mental 6652  
Health Services board leases all or part of the real estate to 6653  
another agency or agencies for the provision of mental health 6654  
services. 6655

(E) Within one year following the effective date of this 6656  
section, the Auditor of State, with the assistance of the Attorney 6657  
General, shall prepare a deed to the real estate described in 6658  
division (A) of this section. The deed shall state the 6659  
consideration specified in division (B) of this section and the 6660  
condition and the right of reentry specified in division (D) of 6661  
this section. The deed shall be executed by the Governor in the 6662  
name of the state, countersigned by the Secretary of State, sealed 6663  
with the Great Seal of the State, presented in the Office of the 6664  
Auditor of State for recording, and delivered to the Summit County 6665  
Alcohol, Drug Addiction and Mental Health Services Board. The 6666  
Summit County Alcohol, Drug Addiction and Mental Health Services 6667  
Board shall present the deed for recording in the Office of the 6668  
Summit County Recorder. 6669

(F) This section expires one year after its effective date. 6670

**Section 80.** (A) The Governor is hereby authorized to execute 6671  
a deed in the name of the state conveying to the Trust for Public 6672  
Land, which is working with its public collaboratives consisting 6673  
of the Cleveland Metroparks, the National Park Service, and 6674  
Sagamore Hills Township, all of the state's right, title, and 6675  
interest in the following described real estate: 6676

Parcel One 6677

Situated in the State of Ohio, County of Cuyahoga, Village of 6678  
Walton Hills, being part of original Bedford Township Lot 92 6679

further bounded and described as follows: Beginning at a 3/4" iron  
bar found at the southwest corner of said lot on the centerline of  
Sagamore Road (60' R/W). Said iron bar being the True Place of  
Beginning for the parcel intended to be described herein; thence,  
N 00°57'31" W, leaving said centerline along the west line of lot  
92, 1033.02 feet to a 5/8" capped rebar set; thence, leaving the  
west line of said lot along the southerly line of land described  
in deed to the Board of Commissioner of the Cleveland Metropolitan  
Park District recorded in Volume 6080, Page 618 of Cuyahoga County  
Records, the following courses and distances; N 89°46'59" E,  
200.13 feet to a 1/2" iron pin found; thence, N 81°50'36" E,  
283.45 feet to a 1/2" iron pin found; thence, N 37°48'12" E,  
655.25 feet to a 1/2" iron pin found; thence, S 77°51'42" E,  
556.56 feet to a 5/8" capped rebar on the west line of the former  
Lake Erie & Pennsylvania Railroad presently owned by the Cleveland  
Electric Illuminating Company; thence, S 11°09'15" W, along the  
westerly line of said Railroad lands, 600.80 feet to a 5/8" capped  
rebar set; thence, S 78°50'45" E, continuing along said westerly  
line, 10.00 feet to a 5/8" capped rebar set; thence, S 11°09'15"  
W, along said westerly line, 900.15 feet to the centerline of  
Sagamore Road and the south line of said Township; thence, S  
89°59'57" W, along the said centerline and Township line, 1128.63  
feet to the True Place of Beginning and containing 38.053 acres of  
land but subject to all legal highways, easements and  
restrictions, if any, as surveyed by Robert J. Warner, P.S.,  
Number 6931 for Environmental Design Group, Inc. in August 1996.  
The Basis of Bearings for the above described parcel is grid north  
of the Ohio State Plane Coordinate System, North Zone (NAD 83).

Deed reference: Volume 3771, page 392

Parcel Two

Situated in the State of Ohio, County of Cuyahoga, Village of

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Walton Hills, being part of Original Bedford Township Lot 92; 6712  
beginning at an iron pin in a monument box found at the southeast 6713  
corner of said lot on the centerline of Sagamore Road (60' R/W), 6714  
and the south line of said County and being the True Point of 6715  
Beginning for the parcel intended to be described herein; thence, 6716  
S 89°59'20" W, along said centerline and Township line, 1403.95 6717  
feet to the easterly line of the former Lake Erie & Pennsylvania 6718  
Railroad presently owned by Cleveland Electric Illuminating 6719  
Company; thence, along the east line of said Railroad lands, the 6720  
following courses and distances: N 11°09'15" E, 880.41 feet to a 6721  
5/8" capped rebar set; thence, S 78°50'45" E, 10.00 feet to a 5/8" 6722  
capped rebar set; thence, N 11°09'15" E, 988.31 feet to a 5/8" 6723  
capped rebar set; thence, leaving the easterly line of said 6724  
Railroad lands, along the southerly line of land described in Deed 6725  
to the United State of America recorded in Volume 14697, Page 99 6726  
of Cuyahoga County Records, following courses and distances: S 6727  
85°38'29" E, 409.48 feet to a stone found; thence, N 47°33'35" E, 6728  
140.54 feet to a 1/2" iron pin found; thence, N 01°16'29" W, 6729  
114.82 feet to a 1/2" iron pin found; thence, N 85°18'19" E, 6730  
205.11 feet to a stone found; thence, N 43°57'28" E, passing 6731  
through a 1/2" iron pin found at 390.46 feet, a total distance of 6732  
391.06 feet to the east line of Lot 92; thence, S 01°10'27" E, 6733  
along the east line of Lot 92, 2308.51 feet to the True Place of 6734  
Beginning and containing 53.328 acres of land but subject to all 6735  
legal highways, easements and restrictions, if any, as surveyed by 6736  
Robert J. Warner, P.S., Number 6931 for Environmental Design 6737  
Group, Inc. in August 1996. The Basis of Bearings for the above 6738  
described parcel is grid north of the Ohio State Plane Coordinate 6739  
System, North Zone (NAD 83). 6740

Deed reference: Volume 6647, page 192 6741

Parcel Six 6742

Situated in the State of Ohio, County of Summit, Township of 6743

Sagamore Hills, being part of original Northfield Township Lots 6744  
81, 82, 90, and 91, further bonded and described as follows: 6745  
commencing for reference at an iron pin in a monument box found in 6746  
the centerline intersection of Dunham Road (CH150 50' R/W) with 6747  
the centerline of Sagamore Road (C.H. 1 60' R/W); thence, S 6748  
89°59'03" W, along the north line of said Township and the 6749  
centerline of Sagamore Road, 969.08 feet to an iron pin in a 6750  
monument box found; thence, S 89°59'20" W, along the centerline of 6751  
Sagamore Road and the north line of said Township, 1454.91 feet to 6752  
an iron pin in a monument box found at the intersection of the 6753  
centerline of the former Lake Erie & Pennsylvania Railroad, 6754  
presently owned by Cleveland Electric Illuminating Company; 6755  
thence, S 89°59'57" W, continuing along the said centerline of 6756  
said road and said Township line, 1179.59 feet to a 3/4" iron bar 6757  
found; thence, N 89°40'02" W, continuing along said centerline and 6758  
said Township line, 1085.13 feet to a 5/8" capped rebar set at the 6759  
True Place of Beginning for the parcel being described herein; 6760  
thence, S 00°00'19" E, leaving said centerline and Township line, 6761  
passing through a 5/8" capped rebar set at 30.00 feet, a total 6762  
distance of 1614.76 feet to a 5/8" capped rebar set; thence, S 6763  
88°36'10" E, 1290.24 feet to a 5/8" capped rebar set; thence, N 6764  
00°50'33" E, 340.04 feet to a 5/8" capped rebar set; thence, N 6765  
87°39'04" E, 642.68 feet to a 5/8" capped rebar set in the 6766  
westerly line of the former railroad lands as aforesaid; thence, 6767  
southerly along said railroad lands the following courses and 6768  
distances: southwesterly, 1613.04 feet, along an arc of a curve 6769  
deflecting to the left, having a radius of 5804.69 feet, a central 6770  
angle of 15°55'18" and a chord which bears S 03°11'36" W, 1607.85 6771  
feet; N 85°13'57" E, 25.00 feet; southeasterly 178.55 feet along 6772  
the arc of a curve deflecting to the left, having a radius of 6773  
5779.69 feet, a central angle of 1°46'12" and a chord which bears 6774  
S 05°39'09" E, 178.54 feet; S 06°32'15" E, 633.18 feet; S 6775  
83°27'45" W, 10.00 feet; S 06°32'15" E, 417.22 feet to the 6776

centerline of Valley View Road (100' R/W) and passing over a 5/8" 6777  
capped rebar set at 50.00 feet from centerline; thence along the 6778  
centerline of Valley View Road the following courses and 6779  
distances: S 79°03'52" W, 739.48 feet; southwesterly, 965.98 feet 6780  
along the arc of a curve deflecting to the right, having a radius 6781  
of 2864.79 feet, a central angle of 19°19'10" and a chord which 6782  
bears S 88°43'27" W, 961.41 feet; N 81°36'58" W, 149.58 feet to an 6783  
iron pin in a monument box found in the intersection of the 6784  
centerline of Chaffee Road (50' R/W) the west line of Lot 82; 6785  
thence, N 00°47'05" W, leaving the centerline of Valley View Road 6786  
along the west line of Lot 82 1617.12 feet to the center of a 8" 6787  
diameter wooden fence post at the northwest corner of Lot 82; 6788  
thence, S 89°16'06" W, leaving the west line of said lot, along 6789  
the south line of Lot 91, passing through a 1 1/2 crimp top pipe 6790  
found at 1992.90 feet, a total distance of 2048.53 feet to a 6791  
railroad spike set in the centerline of Valley View Road; thence, 6792  
along said centerline of following courses and distances: N 6793  
22°59'30" W, 50.90 feet to a monument found at a point curvature; 6794  
northwesterly, 489.43 feet along the arc of a curve deflecting to 6795  
the left and having a radius of 1432.39 feet, a central angle of 6796  
19°34'39" and a chord which bears N 32°46'50" W, 487.06 feet to a 6797  
monument found at a point of tangency; N 42°34'09" W, 321.76 feet 6798  
to a monument found at a point of curvature; northwesterly, 404.07 6799  
feet along the arc of a curve deflecting to the right, having a 6800  
radius of 3819.72, a central angle of 06°03'40" and a chord which 6801  
bears N 39°32'19" W, 403.88 feet to a monument found at a point of 6802  
tangency; N 36°30'29" W, 924.10 feet to a monument found at a 6803  
point of curvature; northwesterly 294.89 feet along the arc of a 6804  
curve deflecting to the right, having a radius of 3819.72 feet, a 6805  
central angle of 4°25'24" and a chord which bears N 34°17'47" W, 6806  
294.82 feet to a railroad spike set at the southerly corner of 6807  
land described in deed to the Cleveland Metropolitan Park District 6808  
by Deed Volume 2251, Page 479 of Summit County Records of Deeds; 6809



(B) Consideration for conveyance of the real estate described 6842  
in division (A) of this section is the purchase price of 6843  
\$1,600,000. 6844

(C) The Trust for Public Land shall pay the costs of the 6845  
conveyance of the real estate described in division (A) of this 6846  
section. Proceeds from the sale shall be deposited in the 6847  
Department of Mental Health Trust Fund in accordance with section 6848  
5119.18 of the Revised Code. 6849

(D) Within thirty days after the effective date of this 6850  
section, the Trust for Public Land shall have both the financing 6851  
plan and the time frame for closing of property approved by the 6852  
Department of Mental Health. If the Trust for Public Land fails to 6853  
comply with this requirement within such thirty days, or within an 6854  
extended time frame agreed to by the state, by and through the 6855  
Department of Mental Health, the state may immediately terminate 6856  
its obligation to proceed with the conveyance of the real estate 6857  
described in division (A) of this section. 6858

(E) Within one year after the effective date of this section, 6859  
and upon payment of the purchase price by the Trust for Public 6860  
Land, the Auditor of State, with the assistance of the Attorney 6861  
General, shall prepare a deed to the real estate described in 6862  
division (A) of this section. The deed shall state consideration 6863  
specified in division (B) of this section and the costs associated 6864  
with division (C) of this section. The deed shall be executed by 6865  
the Governor in the name of the state, countersigned by the 6866  
Secretary of State, sealed with the Great Seal of the State, 6867  
presented in the Office of the Auditor of State for recording, and 6868  
delivered to the Trust for Public Land. The Trust for Public Land 6869  
shall present the deed for recording in the Office of the Cuyahoga 6870  
County Recorder and the Office of the Summit County Recorder. 6871

6872

(F) This section expires one year after its effective date. 6873

**Section 81.** 6874

Development of the Site of the Old State School for the Blind

Notwithstanding any other provision of law, the Department of 6875  
Administrative Services is hereby authorized to enter into a lease 6876  
for a period not to exceed ninety-nine years, with the City of 6877  
Columbus for a consideration of one dollar and other valuable 6878  
consideration, or with a developer, in accordance with this 6879  
section, for the following described real estate: 6880

Being all of those lands conveyed to the State of Ohio by 6881  
Deeds of Record in the Franklin County Recorder's Office, also 6882  
being a part of Half Section 24, Township 5, Range 22, Refugee 6883  
Lands and bounded as follows: 6884

On the West by the East Right-of-Way line of Parsons Avenue, 6885  
on the North by the South line of a Bryden Alley, a part of George 6886  
M. Parsons Subdivision of record in Plat Book 3, page 316, 6887  
Recorder's Office, Franklin County, Ohio, on the East by the West 6888  
Right-of-Way line of Allen Avenue and on the South by the North 6889  
Right-of-Way line of East Main Street and containing 11.1 Acres, 6890  
more or less, subject, however to any existing easements and 6891  
rights-of-way. 6892

"Developer," as used in this section, has the same meaning as 6893  
in section 123.77 of the Revised Code. The Department of 6894  
Administrative Services may solicit redevelopment proposals from 6895  
developers to develop the site in the event that the City of 6896  
Columbus elects not to develop the property. A selection shall be 6897  
made on the basis of the proposal that serves the best interest of 6898  
the state as determined by the Department of Administrative 6899  
Services. 6900

Such a lease shall be for the purpose of the redevelopment of 6901

the land and buildings. The City of Columbus or a developer 6902  
desiring to lease the land shall prepare for submission to the 6903  
Department a plan for redevelopment which retains, where feasible, 6904  
the existing characteristics of the site. Plans shall include 6905  
provisions for roads, sewers, water lines, waste disposal, water 6906  
supply, and similar matters to meet the requirements of state and 6907  
local laws. The plans shall also include provision for protection 6908  
of the property by insurance or otherwise, and plans for financing 6909  
the redevelopment, and shall set forth details of the City of 6910  
Columbus' or the developer's financial responsibility. 6911

The Department may employ, as employees or consultants, 6912  
persons needed to assist in reviewing the development plans. Those 6913  
persons may include attorneys, financial experts, engineers, and 6914  
necessary experts. The department shall review the development 6915  
plans and may enter into a lease if it finds all of the following: 6916

(A) The best interests of the state will be promoted by 6918  
entering into a lease; 6919

(B) The development plans are satisfactory; 6920

(C) The City of Columbus or the developer has established its 6921  
financial responsibility and satisfactory plans for financing the 6922  
development. 6923

The lease shall contain a provision that construction or 6924  
renovation of the buildings, roads, structures, and necessary 6925  
facilities shall proceed according to a schedule agreed to between 6926  
the department and the City of Columbus or the developer; 6927  
otherwise the lease shall be terminated. The lease shall contain 6928  
such conditions and stipulations as the Director considers 6929  
necessary to preserve the best interest of the state. The lease 6930  
may contain a provision authorizing a lease purchase option for 6931  
the fair market value of the real estate described above. Moneys 6932

received by the state pursuant to this lease or sale shall be paid 6933  
in to the General Revenue Fund. In the event of redevelopment by 6934  
the City of Columbus, the lease shall provide that, at the end of 6935  
the 99-year lease period, the land, buildings, structures, and 6936  
related improvements shall become the property of the City of 6937  
Columbus without cost. At any time during the term of the lease, 6938  
the City of Columbus, at its option, may purchase the property 6939  
from the state at fair market value less the value of improvements 6940  
funded by the city and as determined by two independent 6941  
appraisals. In the event of redevelopment by a developer 6942  
established pursuant to Chapter 1724. of the Revised Code, the 6943  
lease shall provide that at the end of the lease period the 6944  
buildings, structures, and related improvements shall become the 6945  
property of the state without cost. 6946

**Section 82.** 6947

Support for the AVLIS Production Facility

The General Assembly hereby expresses its support of the 6948  
efforts of the Department of Development to attract to Ohio an 6949  
atomic vapor laser isotope separation (AVLIS) production facility 6950  
to be located at the Portsmouth Gaseous Diffusion Plant in 6951  
Piketon. It is the intent of the General Assembly, in support of 6952  
the creation and retention of jobs at the Piketon facility, the 6953  
conversion to civilian purposes of facilities previously dedicated 6954  
to defense production purposes, and the general economic 6955  
development of the Southern region of Ohio, to provide resources 6956  
consistent with the department's proposal for infrastructure and 6957  
job training support should the department be successful in 6958  
attracting the facility to Ohio. 6959

**Section 83.** (A) The employees of the Department of Mental 6960  
Health who are employed at the Central Laboratory of the Office of 6961

Support Services shall be transferred on the effective date of 6962  
this section to the employment of the Department of Rehabilitation 6963  
and Correction. With regard to the transfer, the Department of 6964  
Rehabilitation and Correction and the Department of Mental Health 6965  
shall enter into agreement with respect to the delivery of 6966  
laboratory services and the classification of the positions of 6967  
employees who are transferred to the Department of Rehabilitation 6968  
and Correction. 6969

If the Department of Rehabilitation and Correction classifies 6970  
a position of an employee transferred from the Department of 6971  
Mental Health in the same or a similar classification as that 6972  
given to that position by the Department of Mental Health, the 6973  
employee holding that position shall be transferred to that 6974  
classification in the Department of Rehabilitation and Correction. 6975  
If an employee transferred to the Department of Rehabilitation and 6976  
Correction cannot be transferred to a position in such a same or 6977  
similar classification, the employee shall be transferred to a 6978  
position in an appropriate classification in the Department, as 6979  
certified by the Director of Administrative Services. All 6980  
employees transferred shall suffer no harm and retain their 6981  
respective civil service classification and status together with 6982  
all rights they may have under Chapter 124. or 4117. of the 6983  
Revised Code, including rights, benefits, and privileges provided 6984  
by collective bargaining agreements negotiated pursuant to Chapter 6985  
4117. of the Revised Code. Notwithstanding section 124.13 of the 6986  
Revised Code, those employees shall retain all vacation leave and 6987  
other benefits they earned as employees of the Department of 6988  
Mental Health. 6989

(B) Equipment, inventory, and supplies belonging to the 6990  
Central Laboratory of the Office of Support Services of the 6991  
Department of Mental Health that are needed for use in the 6992  
Department of Rehabilitation and Correction laboratory shall be 6993

transferred on the effective date of this section along with the 6994  
laboratory services and employees described in division (A) of 6995  
this section. 6996

**Section 84.** That Sections 20, 29, 40, and 112 of Am. Sub. 6997  
H.B. 215 of the 122nd General Assembly be amended to read as 6998  
follows: 6999

**"Sec. 20.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 7000

General Revenue Fund 7001

GRF 100-402	Unemployment	\$	142,825	\$	137,747	7002
	Compensation					
GRF 100-405	Agency Audit Expenses	\$	819,538	\$	434,408	7003
GRF 100-406	County Personnel	\$	1,226,010	\$	1,308,378	7004
	Services					
GRF 100-408	Buy Ohio Promotions	\$	23,765	\$	24,359	7005
GRF 100-409	Departmental	\$	1,291,573	\$	1,321,103	7006
	Information Services					
GRF 100-412	Information Center	\$	1,067,449	\$	1,095,203	7007
GRF 100-414	Ohio Geographically	\$	616,902	\$	631,383	7008
	Referenced Information					
	Program					
GRF 100-416	Strategic Technology	\$	4,864,784	\$	4,931,830	7009
GRF 100-417	MARCS	\$	3,374,984	\$	4,125,310	7010
GRF 100-419	SOMACS	\$	4,807,130	\$	4,927,123	7011
GRF 100-420	Suggestion Awards	\$	168,634	\$	170,975	7012
GRF 100-429	Agency Business	\$	1,388,806	\$	1,385,439	7013
	Support Services					
GRF 100-430	Year 2000 Assistance	\$	8,013,493	\$	5,261,984	7014
GRF 100-431	Set Aside Review Board	\$	87,181	\$	79,620	7015
GRF 100-433	State of Ohio Computer	\$	4,937,702	\$	5,087,138	7016
	Center					
GRF 100-435	State Government	\$	429,256	\$	437,832	7017

	Energy Program			
GRF 100-438	<u>ODOT Building Payments</u>	\$ 0	\$ 1,000,000	7018
GRF 100-447	OBA - Building Rent	\$ 71,764,000	\$ 80,914,000	7019
	Payments			
GRF 100-448	OBA - Building	\$ 25,498,000	\$ 25,498,000	7020
	Operating Payments			
GRF 100-449	DAS - Building	\$ 4,035,679	\$ 4,054,301	7021
	Operating Payments			
GRF 100-451	Minority Affairs	\$ 124,827	\$ 125,953	7022
GRF 100-734	Major Maintenance	\$ 100,000	\$ 100,000	7023
GRF 102-321	EOC Compliance	\$ 1,494,373	\$ 1,355,596	7024
GRF 130-321	Bureau of Real Estate	\$ 2,254,317	\$ 2,315,294	7025
TOTAL GRF	General Revenue Fund	\$ 138,531,228	\$ 145,722,976	7026
	General Services Fund Group			7027
112 100-616	Director's Office	\$ 4,572,437	\$ 4,687,063	7028
115 100-632	Central Service Agency	\$ 409,735	\$ 412,518	7029
117 100-644	General Services	\$ 5,551,419	\$ 5,937,495	7030
	Administration			
122 100-637	Fleet Management	\$ 1,394,647	\$ 1,432,988	7031
125 100-622	Personnel Services	\$ 16,222,008	\$ 16,723,131	7032
127 100-627	Vehicle Liability	\$ 3,924,959	\$ 4,034,239	7033
	Insurance			
128 100-620	Collective Bargaining	\$ 3,652,897	\$ 3,675,550	7034
130 100-606	State Insurance Pool	\$ 99,983	\$ 102,658	7035
131 100-639	State Architect's	\$ 5,989,051	\$ 6,058,112	7036
	Office			
132 100-631	Facilities Management	\$ 7,761,319	\$ 7,932,202	7037
188 100-649	State EOC	\$ 2,219,080	\$ 2,051,620	7038
201 100-653	General Services	\$ 1,891,357	\$ 1,944,315	7039
	Resale Merchandise			
210 100-612	State Printing	\$ 5,688,995	\$ 5,831,735	7040
4H2 100-604	Governor's Residence	\$ 20,560	\$ 21,136	7041
	Gift			

427	100-602	Investment Recovery	\$	3,110,486	\$	3,197,752	7042
4P3	100-603	Departmental MIS	\$	5,633,414	\$	6,118,350	7043
		Services					
5C2	100-605	MARCS Administration	\$	0	\$	2,988,056	7044
5C3	100-608	Skilled Trades	\$	2,112,280	\$	2,164,039	7045
5D7	100-621	Workforce Development	\$	4,000,000	\$	8,000,000	7046
		TOTAL GSF General Services Fund					7047
		Group	\$	74,254,627	\$	83,312,959	7048
		Intragovernmental Service Fund Group					7049
123	100-613	Telecommunications	\$	35,623,686	\$	36,609,209	7050
133	100-607	Computer Services	\$	44,107,222	\$	45,958,060	7051
4N6	100-617	Equipment Purchases	\$	5,988,546	\$	18,588,924	7052
		TOTAL ISF Intragovernmental					7053
		Service Fund Group	\$	85,719,454	\$	101,156,193	7054
		Agency Fund Group					7055
113	100-628	Unemployment	\$	4,525,227	\$	4,651,933	7056
		Compensation					
124	100-629	Payroll Withholding	\$	1,650,000,000	\$	1,700,000,000	7057
		TOTAL AGY Agency Fund Group	\$	1,654,525,227	\$	1,704,651,933	7058
		Holding Account Redistribution Fund Group					7059
R08	100-646	General Services	\$	16,000	\$	17,000	7060
		Refunds					
		TOTAL 090 Holding Account					7061
		Redistribution Fund Group	\$	16,000	\$	17,000	7062
		TOTAL ALL BUDGET FUND GROUPS	\$	1,953,046,536	\$	2,034,861,061	7063
		<u>ODOT Building Payments</u>					7064
		<u>The foregoing appropriation item 100-438, ODOT Building</u>					7065
		<u>Payments, shall be used as the first installment toward</u>					7066
		<u>compensating the Department of Transportation for the property</u>					7067
		<u>located at 25 South Front Street, Columbus, Ohio. In fiscal year</u>					7068
		<u>1999, the Director of Administrative Services shall transfer</u>					7069

\$1,000,000 in cash from the General Revenue Fund to the Ohio 7070  
Department of Transportation using an intrastate transfer voucher. 7071  
The Director of Transportation shall deposit the cash into the 7072  
Highway Operating Fund (Fund 002). 7073

**Sec. 29.** AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION 7074

General Revenue Fund 7075

GRF 371-321 Operating Expenses	\$	727,906	\$	837,906	7076
GRF 371-401 Lease Rental Payments	\$	15,903,000	\$	24,775,000	7077
TOTAL GRF General Revenue Fund	\$	16,630,906	\$	25,612,906	7078

General Services Fund Group 7079

4T8 371-601 Administration Fund	\$	20,560	\$	21,136	7080
5A1 371-602 Capital Donations	\$	1,000,000	\$	<del>1,000,000</del>	7081
				<u>-0-</u>	7082

TOTAL GSF General Services Fund 7083

Group	\$	1,020,560	\$	1,021,136	7084
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TOTAL ALL BUDGET FUND GROUPS	\$	17,651,466	\$	<del>26,634,042</del>	7085
				<u>25,634,042</u>	7086

Capital Donations Fund 7087

The Executive Director of the Arts and Sports Facilities 7088  
 Commission shall certify to the Director of Budget and Management 7089  
 the amount of cash receipts and related investment income, 7090  
 irrevocable letters of credit from a bank or private nonprofit 7091  
 entity, or certification of the availability of funds which have 7092  
 been received from a county or city auditor for deposit to the 7093  
 Capital Donations Fund. These amounts are hereby appropriated to 7094  
~~line~~ appropriation item 371-602, Capital Donations. Prior to 7095  
 certifying these amounts to the director, the executive director 7096  
 shall make a written agreement with the participating entity on 7097  
 the necessary cash flows required for the anticipated construction 7098  
 or equipment acquisition project. 7099

Ohio Building Authority Lease Payments 7100

Appropriations to the Arts and Sports Facilities Commission 7101  
from the General Revenue Fund include \$40,678,000 for the biennium 7102  
for appropriation item 371-401, Lease Rental Payments. This 7103  
appropriation shall be used for payments to the Ohio Building 7104  
Authority for the period July 1, 1997 to June 30, 1999, pursuant 7105  
to the primary leases and agreements for those buildings made 7106  
under Chapter 152. of the Revised Code which are the source of 7107  
funds pledged for bond service charges on related obligations 7108  
issued pursuant to Chapter 152. of the Revised Code. 7109

**Sec. 40. CEB CONTROLLING BOARD** 7110

General Revenue Fund					7111
GRF 911-401 Emergency	\$	6,000,000	\$	6,000,000	7112
Purposes/Contingencies					
GRF 911-402 Employee Compensation	\$	31,700,000	\$	62,300,000	7113
Adjustment					
GRF 911-403 School District	\$	250,000	\$	250,000	7114
Financial Planning					
GRF 911-404 Mandate Assistance	\$	2,800,000	\$	2,800,000	7115
GRF 911-423 Army National Guard	\$	800,000	\$	0	7116
GRF 911-430 Emergency 9-1-1	\$	250,000	\$	250,000	7117
Training					
GRF 911-433 AFIT	\$	500,000	\$	3,500,000	7118
GRF 911-436 Rural Fire Departments	\$	250,000	\$	250,000	7119
GRF 911-440 Airport Improvements	\$	2,000,000	\$	2,000,000	7120
TOTAL GRF General Revenue Fund	\$	44,550,000	\$	77,350,000	7121
State Special Revenue Fund Group					7122
5E2 911-601 Disaster Services	\$	37,164,000	\$	0	7123
				<u>31,868,347</u>	7124
TOTAL SSR State Special					7125
Revenue Fund Group	\$	37,164,000	\$	0	7126
				<u>31,868,347</u>	7127
TOTAL ALL BUDGET FUND GROUPS	\$	81,714,000	\$	<del>77,350,000</del>	7128

109,218,347

7129

Federal Share

7130

In transferring appropriations to or from appropriation ~~line~~ 7131  
items which have federal shares identified in ~~this act~~ Am. Sub. 7132  
H.B. 215 of the 122nd General Assembly, the Controlling Board 7133  
shall add or subtract corresponding amounts of federal matching 7134  
funds at the percentages indicated by the state and federal 7135  
division of the appropriations in ~~this act~~ H.B. 215. Such changes 7136  
are hereby appropriated. 7137

Disaster Assistance

7138

Pursuant to requests submitted by the Department of Public 7139  
Safety, the Controlling Board may approve transfers from the 7140  
foregoing appropriation item 911-401, Emergency 7141  
Purposes/Contingencies, to a Department of Public Safety General 7142  
Revenue Fund ~~line~~ appropriation item to provide funding for 7143  
assistance to political subdivisions made necessary by natural 7144  
disasters or emergencies. Such transfers may be requested and 7145  
approved prior to the occurrence of any specific natural disasters 7146  
or emergencies in order to facilitate the provision of timely 7147  
assistance. The Emergency Management Agency of the Department of 7148  
Public Safety shall use such funding for disaster aid requests 7149  
which meet Controlling Board criteria for assistance. The 7150  
department shall submit a report to the Controlling Board 7151  
quarterly describing all such disaster aid. 7152

Southern Ohio Correctional Facility Cost

7153

The Office of Criminal Justice Services and the Public 7154  
Defender Commission may each request, upon approval of the 7155  
Director of Budget and Management, additional funds from the 7156  
foregoing appropriation item 911-401, Emergency 7157  
Purposes/Contingencies, for costs related to the disturbance that 7158  
occurred on April 11, 1993, at the Southern Ohio Correctional 7159

Facility in Lucasville, Ohio. 7160

Disaster Services 7161

The foregoing appropriation item 911-601, Disaster Services, 7162  
which is hereby created in the state treasury, shall be used by 7163  
the Controlling Board, pursuant to requests submitted by state 7164  
agencies, to transfer cash and appropriation authority to any fund 7165  
of the state for the payment of state agency program expenses 7166  
related to the following: 7167

(1) The southern Ohio flooding, referred to as 7168  
FEMA-DR-1164-OH, ~~and, if;~~ 7169

(2) The flood/storm disaster referred to as FEMA-DR-1227-OH; 7170  
and 7171

(3) If the Director of Budget and Management determines that 7172  
sufficient funds exist beyond the expected program costs of ~~the~~ 7173  
~~southern Ohio flooding~~ these two disasters, other disasters 7174  
declared by the Governor. 7175

The Director of Budget and Management shall transfer 7176  
\$26,200,000 from the General Revenue Fund to Fund 5E2, Disaster 7177  
Services Fund, of the Controlling Board. 7178

Employee Compensation 7179

Notwithstanding division (D) of section 127.14 and division 7180  
(B) of section 131.35 of the Revised Code, except for the General 7181  
Revenue Fund, the Controlling Board may, upon the request of 7182  
either the Director of Budget and Management, or a state agency 7183  
with the approval of the Director of Budget and Management, 7184  
increase appropriations for any fund, as necessary for the various 7185  
state agencies, to assist in paying the costs of increases in 7186  
employee compensation that occur on or after July 1, 1997, that 7187  
are provided pursuant to collective bargaining agreements under 7188  
Chapter 4117. of the Revised Code and the costs of increased 7189

compensation provided for employees that are exempt from 7190  
collective bargaining. 7191

The Controlling Board may transfer appropriations from the 7192  
foregoing appropriation item 911-402, Employee Compensation 7193  
Adjustment, to the various agencies based on requests submitted by 7194  
the Director of Budget and Management to assist in paying for the 7195  
General Revenue Fund's share of employee compensation increases 7196  
resulting from collective bargaining agreements under Chapter 7197  
4117. of the Revised Code and the costs of increased compensation 7198  
that are provided to employees that are exempt from collective 7199  
bargaining. 7200

School District Financial Planning 7201

The foregoing appropriation item 911-403, School District 7202  
Financial Planning, shall be used to pay costs of implementing 7203  
school district watch and fiscal emergency provisions of sections 7204  
3316.01 to 3316.08 of the Revised Code, including the expenses of 7205  
the School District Financial Planning and Supervision Commission. 7206  
Upon the request of any agency involved in implementing the school 7207  
district watch or fiscal emergency provisions, the Controlling 7208  
Board may transfer all or part of the appropriation to the agency. 7209

Mandate Assistance 7210

(A) The foregoing appropriation item 911-404, Mandate 7211  
Assistance, shall be used to provide financial assistance to local 7212  
units of government, school districts, and fire departments for 7213  
the cost of the following four unfunded state mandates: 7214

(1) The cost to county boards of elections for advertising 7215  
state ballot issues; 7216

(2) The cost to county prosecutors for prosecuting certain 7217  
felonies that occur on the grounds of state institutions operated 7218  
by the Department of Rehabilitation and Correction and the 7219

Department of Youth Services; 7220

(3) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear; and 7221  
7222

(4) The cost to school districts of in-service training for child abuse detection. 7223  
7224

(B) The State and Local Government Commission may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance, to the state agencies charged with administering the state financial assistance to be provided under this section. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance. 7225  
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7227  
7228  
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7230  
7231  
7232  
7233

	<u>Administering</u>	<u>Estimated Annual</u>	7234
<u>Program</u>	<u>Agency</u>	<u>Amount</u>	7235
Advertising Costs	Ohio Ballot Board	\$800,000	7236
Prosecution Costs	Office of Criminal Justice Services	\$200,000	7237 7238
Firefighter Training Costs	Department of Commerce	\$1,000,000	7239
Child Abuse Detection Training Costs	Department of Education	\$800,000	7240

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program. 7241  
7242  
7243  
7244  
7245

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency 7246  
7247  
7248

under this section back to appropriation item 911-404, Mandate 7249  
Assistance, or to one or more of the other programs of state 7250  
financial assistance identified under this section. 7251

(E) It is expected that not all costs incurred by local units 7252  
of government, school districts, and fire departments under each 7253  
of the four programs of state financial assistance identified 7254  
under this section will be fully reimbursed by the state. 7255  
Reimbursement levels may vary by program and will be based on: the 7256  
relationship between the appropriation transfers requested by the 7257  
commission and provided by the Controlling Board for each of the 7258  
programs; the rules and procedures established for each program by 7259  
the commission and the administering state agency; and the actual 7260  
costs incurred by local units of government, school districts, and 7261  
fire departments. 7262

(F) Each of these programs of state financial assistance 7263  
shall be carried out as follows: 7264

(1) Advertising Costs 7265

Appropriations may be transferred to the Ohio Ballot Board 7266  
for use as full or partial reimbursement to county boards of 7267  
elections for the cost of public notices associated with statewide 7268  
ballot initiatives. 7269

(2) Prosecution Costs 7270

(a) Appropriations may be transferred to the Office of 7271  
Criminal Justice Services to cover local prosecution costs for 7272  
aggravated murder, murder, felonies of the first degree, and 7273  
felonies of the second degree that occur on the grounds of 7274  
institutions operated by the Department of Rehabilitation and 7275  
Correction and the Department of Youth Services on or after July 7276  
1, 1995. 7277

(b) Upon a delinquency filing in juvenile court or the return 7278

of an indictment for aggravated murder, murder, or any felony of 7279  
the first or second degree that was committed at a Department of 7280  
Youth Services or a Department of Rehabilitation and Correction 7281  
institution, the affected county may, in accordance with rules 7282  
that the Office of Criminal Justice Services shall adopt, apply to 7283  
the Office of Criminal Justice Services for a grant to cover all 7284  
documented costs that are incurred by the county prosecutor's 7285  
office. 7286

(c) Twice each year, the Office of Criminal Justice Services 7287  
shall designate counties to receive grants from those counties 7288  
that have submitted one or more applications in compliance with 7289  
the rules that have been adopted by the Office of Criminal Justice 7290  
Services for the receipt of such grants. In each year's first 7291  
round of grant awards, if sufficient appropriations have been 7292  
appropriated, up to a total of \$100,000 may be awarded. In each 7293  
year's second round of grant awards, the remaining appropriations 7294  
available for this purpose may be awarded. 7295

(d) If for a given round of grants there are insufficient 7296  
appropriations to make grant awards to all of the eligible 7297  
counties, the first priority shall be given to counties with cases 7298  
involving aggravated murder and murder, second priority shall be 7299  
given to cases involving a felony of the first degree, and third 7300  
priority shall be given to cases involving a felony of the second 7301  
degree. Within these priorities, the grant awards shall be based 7302  
on the order in which the applications were received, except that 7303  
applications for cases involving a felony of the first or second 7304  
degree shall not be considered in more than two consecutive rounds 7305  
of grant awards. 7306

(3) Firefighter Training Costs 7307

Appropriations may be transferred to the Department of 7308  
Commerce for use as full or partial reimbursement to local units 7309

of government and fire departments for the cost of firefighter 7310  
training and equipment or gear. In accordance with rules that the 7311  
department shall adopt, a local unit of government or fire 7312  
department may apply to the department for a grant to cover all 7313  
documented costs that are incurred to provide firefighter training 7314  
and equipment or gear. The department shall make grants within the 7315  
limits of the funding provided, with priority given to fire 7316  
departments that serve small villages and townships. 7317

(4) Child Abuse Detection Training Costs 7318

Appropriations may be transferred to the Department of 7319  
Education for disbursement to local school districts as full or 7320  
partial reimbursement for the cost of providing in-service 7321  
training for child abuse detection. In accordance with rules that 7322  
the department shall adopt, a local school district may apply to 7323  
the department for a grant to cover all documented costs that are 7324  
incurred to provide in-service training for child abuse detection. 7325  
The department shall make grants within the limits of the funding 7326  
provided. 7327

Army National Guard 7328

If the Director of Administrative Services sells a parcel of 7329  
land to a village or municipal corporation pursuant to division 7330  
(B)(1) of Section 2 of Am. Sub. H.B. 376 of the 121st General 7331  
Assembly, or to a county pursuant to division (B)(2) of Section 2 7332  
of Am. Sub. H.B. 376 of the 121st General Assembly, the village, 7333  
municipal corporation, or county, after making the offer to 7334  
purchase the parcel, may request that the Office of Budget and 7335  
Management approach the Controlling Board for release of up to 50 7336  
per cent of the sale price from the foregoing appropriation item 7337  
911-423, Army National Guard, to the political subdivision. The 7338  
amount approved by the Controlling Board shall be transferred to 7339  
the Office of Budget and Management's appropriation item 042-404, 7340

Armory Reimbursement, whereupon the Director of Budget and 7341  
Management shall act as the fiscal agent for the payment. Any 7342  
amounts so transferred are hereby appropriated. Any amount not 7343  
released in fiscal year 1998 shall be transferred to fiscal year 7344  
1999 and is hereby appropriated. 7345

Notwithstanding division (D) of Section 2 of Am. Sub. H.B. 7346  
376 of the 121st General Assembly, if a village, municipal 7347  
corporation, or county that receives a payment pursuant to this 7348  
section sells the parcel within two years after purchasing it, the 7349  
political subdivision shall pay to the state both of the 7350  
following: 7351

(A) An amount equal to the payment made pursuant to this 7352  
section. Such payment shall be deposited to the credit of the 7353  
General Revenue Fund. 7354

(B) An amount equal to one-half of any net profits from the 7355  
sale. Such payment shall be deposited to the credit of the Armory 7356  
Improvements Fund created pursuant to section 5911.10 of the 7357  
Revised Code. 7358

Net profit shall be calculated by subtracting from the 7359  
selling price of the parcel the original purchase price paid by 7360  
the political subdivision and any expenditures by the political 7361  
subdivision for the public improvements on the parcel. 7362

Upon disposing of all parcels pursuant to Section 2 of Am. 7363  
Sub. H.B. 376 of the 121st General Assembly, the Adjutant General 7364  
may request release of any amount remaining in appropriation item 7365  
911-423, Army National Guard, to be used exclusively for the 7366  
purpose of armory maintenance and repair. 7367

Emergency 9-1-1 Training 7368

Of the foregoing appropriation item 911-430, Emergency 9-1-1 7369  
Training, any unencumbered and unallotted fiscal year 1998 amounts 7370

shall be transferred by the Director of Budget and Management to 7371  
 appropriation item 911-430, Emergency 9-1-1 Training, in fiscal 7372  
 year 1999. Those amounts so transferred from fiscal year 1998 to 7373  
 fiscal year 1999 are hereby appropriated. 7374

AFIT 7375

Of the foregoing appropriation item 911-433, AFIT, no funds 7376  
 shall be released in fiscal year 1998 or fiscal year 1999 until 7377  
 the Board of Regents present to the Controlling Board a spending 7378  
 plan for AFIT, subsequent to the consortium of universities 7379  
 unanimously agreeing on such plan. 7380

Rural Fire Departments 7381

Upon the passage of legislation by the 122nd General 7382  
 Assembly, the Department of Commerce may apply for release of 7383  
 funds from the foregoing appropriation item 911-436, Rural Fire 7384  
 Departments. 7385

**Sec. 112. SLC OHIO STUDENT AID COMMISSION** 7386

State Special Revenue Fund Group 7387

462 373-603 Operating Expenses	\$	2,586,603	\$	0	7388
				<u>15,000</u>	7389

TOTAL SSR State Special Revenue 7390

Fund Group	\$	2,586,603	\$	0	7391
				<u>15,000</u>	7392

TOTAL ALL BUDGET FUND GROUPS	\$	2,586,603	\$	0	7393
				<u>15,000</u>	7394

Commission Termination Authority 7395

The foregoing appropriation item 373-603, Operating Expenses, 7396  
 shall be used by the Director of Budget and Management to satisfy 7397  
 any outstanding financial obligations of the Ohio Student Aid 7398  
 Commission. The appropriation item may also be used to incur any 7399  
 new obligations associated with the termination of the operations 7400

of the Student Aid Commission. ~~The~~ After all obligations have been 7401  
met, the Director shall ~~transfer~~ disburse any unobligated balance 7402  
in the Operating Expenses Fund (Fund 462), ~~remaining on~~ no later 7403  
than June 30, ~~1998~~ 1999, to such entity as shall be designated by 7404  
written directive of the federal agency responsible for 7405  
administering the Federal Family Education Loan Program. Amounts 7406  
necessary to ~~complete~~ make this ~~transfer~~ disbursement are hereby 7407  
appropriated. The Director of Budget and Management shall take 7408  
such actions as are necessary to complete the termination of the 7409  
operations of the Ohio Student Aid Commission and may take steps 7410  
to request of the General Assembly the repeal of the Commission's 7411  
statutes and the rescissions of the Commission's rules." 7412

**Section 85.** That existing sections 20, 29, 40, and 112 of Am. 7413  
Sub. H.B. 215 of the 122nd General Assembly are hereby repealed. 7414  
7415

**Section 86.** Section 40 of Am. Sub. H.B. 215 of the 122nd 7416  
General Assembly as amended by this act is not subject to the 7417  
referendum. Therefore, under Ohio Constitution, Article II, 7418  
Section 1d and section 1.471 of the Revised Code, the section as 7419  
amended by this act goes into immediate effect when this act 7420  
becomes law. 7421

**Section 87.** That Section 50.06 of Am. Sub. H.B. 215 of the 7422  
122nd General Assembly, as amended by Am. Sub. H.B. 182, Am. Sub. 7423  
H.B. 650, and Am. Sub. H.B. 770 of the 122nd General Assembly, be 7424  
amended to read as follows: 7425

**"Sec. 50.06. Base Cost Funding** 7426

Of the foregoing appropriation item 200-501, Base Cost 7427  
Funding, up to \$6,000,000 in each year of the biennium shall be 7428  
expended by the State Board of Education for the extended service 7429

allowance which shall be the teachers' salaries pursuant to the  
schedule contained in section 3317.13 of the Revised Code, plus  
fifteen per cent for retirement and sick leave; up to \$425,000  
shall be expended in each year of the biennium for court payments  
pursuant to section 2151.357 of the Revised Code; up to \$150,000  
in each year of the biennium shall be expended pursuant to section  
3313.64 of the Revised Code; the Superintendent of Public  
Instruction shall expend in fiscal year 1998 the amount necessary  
for the purpose of making payments for the vocational education  
pupil recomputation pursuant to division (M) of section 3317.024  
of the Revised Code and the provisions under the section headed  
"Vocational Education Pupil Recomputation" in Am. Sub. H.B. 215 of  
the 122nd General Assembly and the special education pupil  
recomputation pursuant to division (I) of section 3317.023 of the  
Revised Code; up to \$100,000 shall be expended in each year of the  
biennium for supplemental payments pursuant to the section headed  
"Supplemental Payment" of Am. Sub. H.B. 215 of the 122nd General  
Assembly; an amount shall be available each year of the biennium  
for the cost of the reappraisal guarantee pursuant to section  
3317.04 of the Revised Code; up to \$9,000,000 in each year of the  
biennium shall be reserved for payments pursuant to sections  
3317.026, 3317.027, and 3317.028 of the Revised Code except that  
the Controlling Board may increase the \$9,000,000 amount if  
presented with such a request from the Department of Education. Of  
the foregoing appropriation line item 200-501, Base Cost Funding,  
up to \$13,861,282 shall be used in fiscal year 1999 to provide  
additional state aid to school districts for students in category  
three special education ADM pursuant to division (C)(4) of section  
3317.022 of the Revised Code; up to \$2,000,000 in each year of the  
biennium shall be reserved for Youth Services tuition payments  
pursuant to section 3317.024 of the Revised Code; up to \$1,300,000  
in fiscal year 1998 and \$1,300,000 in fiscal year 1999 for small  
district aid; for districts with an ADM of less than 100, in

addition to other funds, an amount shall be paid equal to the 7463  
amount above the actual fiscal year 1996 and 1997 amounts for 7464  
basic aid, including any guarantee aid the district would have 7465  
received in fiscal years 1996 and 1997 had the amendments to 7466  
divisions (D) and (E) of section 3317.0212 of the Revised Code, as 7467  
amended in Am. Sub. H.B. 215 of the 122nd General Assembly, been 7468  
in effect; up to \$500,000 in each fiscal year shall be used to 7469  
make payments to school districts that lose enrollment due to the 7470  
implementation of the community schools program pursuant to Am. 7471  
Sub. H.B. 215 of the 122nd General Assembly; \$500,000 shall be 7472  
transferred each year by the Director of Budget and Management to 7473  
appropriation item 200-422, School Management Assistance, to help 7474  
the Department of Education administer, monitor, and implement the 7475  
fiscal emergency and fiscal watch provisions under Chapter 3316. 7476  
of the Revised Code; up to \$45,330,000 in fiscal year 1998 and up 7477  
to \$47,795,600 in fiscal year 1999 shall be reserved to fund the 7478  
state reimbursement of educational service centers pursuant to 7479  
section 3317.11 of the Revised Code; and up to \$1,260,000 in 7480  
fiscal year 1998 shall be used by the Superintendent of Public 7481  
Instruction to make incentive payments in any amounts the 7482  
superintendent deems necessary to joint educational service 7483  
centers established pursuant to section 3311.053 of the Revised 7484  
Code. These supplemental payments may be made in fiscal year 1998 7485  
to defray the direct or indirect expenses of dissolving 7486  
participating educational service centers. Each joint educational 7487  
service center seeking a supplemental payment in fiscal year 1998 7488  
shall submit to the Superintendent of Public Instruction any 7489  
documents and information that the Superintendent may require no 7490  
later than December 31, 1997. Up to \$2,200,000 in fiscal year 1999 7491  
may be used by the Department of Education to provide grants to 7492  
community schools for the special education costs exceeding the 7493  
special education funding amounts received by community schools 7494  
pursuant to section 3314.08 Of the Revised Code and Section 7495

50.52.10 of Am. Sub. H.B. 215 of the 122nd General Assembly. The 7496  
department shall review and evaluate requests for grants based on 7497  
the handicapped condition of the students served by community 7498  
schools and the reasonableness of the requests in light of other 7499  
sources of revenue available to community schools. Based on the 7500  
results of its evaluations, the department may fully or partially 7501  
approve the funding requests. 7502

Notwithstanding any contrary provision of section 3313.843 or 7503  
3317.11 of the Revised Code as amended by Amended Substitute House 7504  
Bill No. 650 of the 122nd General Assembly, students receiving 7505  
special education programs or related services in fiscal year 1998 7506  
through a state-funded special education classroom unit or a 7507  
state-funded special education related services unit operated by 7508  
an educational service center shall receive that program or those 7509  
services from that educational service center in fiscal year 1999 7510  
through a contract entered into between the educational service 7511  
center and the students' school district of enrollment unless the 7512  
service center and district mutually agree that it is in the best 7513  
interests of students to provide the program or services in a 7514  
different manner. The contract for fiscal year 1999 shall provide 7515  
for payment to the service center by the students' school district 7516  
of enrollment for the program or services provided by the service 7517  
center. If the service center and school district fail to agree on 7518  
a payment amount for the students, they shall notify the 7519  
department of education and the department shall determine the 7520  
amount to be paid. If the service center and the district disagree 7521  
that it is in the best interests of students to have the students 7522  
receive the program or services in fiscal year 1999 from the 7523  
service center, the district or service center shall notify the 7524  
department of education and, prior to March 31, 1998, the 7525  
department shall determine what manner of program or services in 7526  
fiscal year 1999 is in the best interests of the students. 7527

Of the foregoing appropriation item 200-501, Base Cost 7528  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 7529  
Department of Education for a pilot program to pay for educational 7530  
services for youth who have been assigned by a juvenile court or 7531  
other authorized agency to any of the facilities described in 7532  
division (A) of the section titled "Private Treatment Facility 7533  
Pilot Project." 7534

The remaining portion of this appropriation item shall be 7535  
expended for base cost funding for the public schools of city, 7536  
local, and exempted village school districts pursuant to divisions 7537  
(A) and (C) of section 3317.022 of the Revised Code. Any amounts 7538  
which were encumbered in fiscal year 1997 by the Department of 7539  
Education from appropriation item 200-501, School Foundation Basic 7540  
Allowance, for any of the uses described in Section 45.05 of Am. 7541  
Sub. H.B. 117 of the 121st General Assembly, but which, on the 7542  
effective date of this amendment of this section, remain 7543  
unexpended, may be used by the Department of Education to make 7544  
payments for the purposes of sections 3317.027 and 3317.028 of the 7545  
Revised Code in excess of the amounts specified in Section 45.05 7546  
of Am. Sub. H.B. 117 of the 121st General Assembly, for fiscal 7547  
year 1997 obligations pursuant to sections 3317.027 and 3317.028 7548  
of the Revised Code." 7549

**Section 88.** That existing Section 50.06 of Am. Sub. H.B. 215 7550  
of the 122nd General Assembly, as amended by Am. Sub. H.B. 182, 7551  
Am. Sub. H.B. 650, and Am. Sub. H.B. 770 of the 122nd General 7552  
Assembly, is hereby repealed. 7553

**Section 89.** That Section 50.08 of Am. Sub. H.B. 215 of the 7554  
122nd General Assembly, as amended by Am. Sub. H.B. 650 of the 7555  
122nd General Assembly, be amended to read as follows: 7556

"**Sec. 50.08.** Pupil Transportation 7557

Of the foregoing appropriation item 200-502, Pupil 7558  
Transportation, up to \$680,000 may be used by the Department of 7559  
Education each year for training prospective and experienced 7560  
school bus drivers in accordance with training programs prescribed 7561  
by the department; up to \$63,500 of the item shall be used each 7562  
fiscal year for school bus rider safety programs pursuant to 7563  
sections 3327.16 and 5126.061 of the Revised Code; up to \$90,000 7564  
in fiscal year 1999 shall be used by the Lucas County Educational 7565  
Service Center to fund a pupil transportation pilot project 7566  
pursuant to Section 19 of Am. Sub. H.B. 650 of the 122nd General 7567  
Assembly; and up to \$25,725,000 in fiscal year 1998 and 7568  
\$27,010,000 in fiscal year 1999 shall be used for handicapped 7569  
transportation; and the remainder shall be used for the state 7570  
reimbursement of public school districts' costs in transporting 7571  
pupils to and from the school to which they attend in accordance 7572  
with the district's policy, State Board of Education standards, 7573  
and the Revised Code. 7574

Bus Purchase Allowance 7575

The foregoing appropriation item 200-503, Bus Purchase 7576  
Allowance, shall be distributed to school districts and 7577  
educational service centers pursuant to rules adopted under 7578  
section 3317.07 of the Revised Code. Up to 25 per cent of the 7579  
amount appropriated may be used to reimburse school districts and 7580  
educational service centers for the purchase of buses to transport 7581  
handicapped and nonpublic school students. 7582

School Lunch 7583

The foregoing appropriation item 200-505, School Lunch Match, 7584  
shall be used to provide matching funds to obtain federal funds 7585  
for the school lunch program." 7586

**Section 90.** That existing Section 50.08 of Am. Sub. H.B. 215 7587

of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 of 7588  
the 122nd General Assembly, is hereby repealed. 7589

**Section 91.** Up to \$2,200,000 in fiscal year 1999 may be used 7590  
by the Department of Education to provide grants to community 7591  
schools for the special education costs exceeding the special 7592  
education funding amounts received by community schools pursuant 7593  
to section 3314.08 of the Revised Code and Section 50.52.10 of Am. 7594  
Sub. H.B. 215 of the 122nd General Assembly. The department shall 7595  
review and evaluate the requests based on the handicapped 7596  
condition of the students served by community schools and the 7597  
reasonableness of the requests in light of other sources of 7598  
revenue available to community schools. Based on the results of 7599  
the evaluations, the department may fully or partially approve the 7600  
funding requests. 7601

**Section 92.** That Section 190 of Am. Sub. H.B. 215 of the 7602  
122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 7603  
122nd General Assembly, be amended to read as follows: 7604

**"Sec. 190. Ohio Departments Building** 7605

(A) As used in this section: 7606

(1) "Repair and renovate" and "repair and renovation" 7607  
include, but are not limited to, planning, programming, design, 7608  
constructions, furnishing, and equipping of the Ohio Departments 7609  
Building~~±~~. 7610

(2) "Appropriation" means ~~appropriation items CAP 815~~ 7611  
~~and CAP 849 in Section 28 of Am. H.B. 748 of the 121st General~~ 7612  
~~Assembly, appropriation items CIR 825, CIR 815, and CIR 831 in~~ 7613  
~~Section 15.02 of Am. Sub. S.B. 264 of the 121st General Assembly,~~ 7614  
~~and any subsequent appropriations made to or for the benefit of~~ 7615  
the Supreme Court for the repair and renovation of the Ohio 7616

Departments Building. 7617

(B) The appropriation shall be used by or at the direction of 7618  
the Supreme Court of Ohio for the repair and renovation of the 7619  
Ohio Departments Building as follows: 7620

(1) A portion shall be used by the Department of 7621  
Administrative Services for the repair and renovation of the 7622  
exterior, roof, and grounds of the Ohio Departments Building. 7623

(2) The remaining portion shall be used ~~after January 1, 1998~~ 7624  
by the Ohio Building Authority for other expenses associated with 7625  
the repair and renovation of the Ohio Departments Building, 7626  
including, but not limited to, the interior and grounds of the 7627  
Building. 7628

(C) The To use that portion of the appropriation made to the 7629  
Department of Administrative Services, the Ohio Building 7630  
Authority, with the prior approval of the Supreme Court, shall 7631  
submit a plan and cost estimate of repair and renovation set forth 7632  
in division (B)(2) of this section to the Department of 7633  
Administrative Services. Based upon the plan, the Director of 7634  
Administrative Services shall request the Director of Budget and 7635  
Management to release from the appropriation the estimated amount. 7636  
The Director of Budget and Management may release the 7637  
appropriation and, upon that release, the Director of 7638  
Administrative Services shall transfer the amount released to the 7639  
Ohio Building Authority, which shall use the moneys, and any 7640  
investment earnings on the moneys and other available receipts as 7641  
defined in section 152.09 of the Revised Code, to pay the costs of 7642  
the repair and renovation. 7643

To use that portion of the appropriation made to the 7644  
Judiciary/Supreme Court, the Administrative Director of the 7645  
Supreme Court shall request the Director of Budget and Management 7646  
to release from the appropriation the amount needed. The Director 7647

of Budget and Management may release the appropriation and, upon 7648  
that release, the Administrative Director of the Supreme Court 7649  
shall transfer the amount released to the Ohio Building Authority, 7650  
which shall use the moneys, and any investment earnings on the 7651  
moneys and other available receipts as defined in section 152.09 7652  
Of the Revised Code, to pay the costs of the repair and 7653  
renovation. 7654

(D) Upon completion of the repair and renovation: 7655

(1) Any moneys received by the Ohio Building Authority for 7656  
the repair and renovation that have not been used shall be 7657  
refunded to the ~~Department of Administrative Services~~ 7658  
Judiciary/Supreme Court for deposit into Fund 026~~7~~. 7659

(2) The Supreme Court shall own, operate, and manage the Ohio 7660  
Departments Building. 7661

(E) The Supreme Court may enter into contracts or other 7662  
agreements with the Department of Administrative Services, the 7663  
Ohio Building Authority, another state entity, or a private 7664  
contractor to operate and manage the Ohio Departments Building. 7665

(F) To assist the Ohio Building Authority, the Department of 7666  
Administrative Services and the Supreme Court may assign, amend, 7667  
or enter into any necessary or appropriate leases, contracts, or 7668  
agreements relating to the Ohio Departments Building to or with 7669  
the Ohio Building Authority upon terms satisfactory to all 7670  
parties. 7671

(G) Repairs and renovations that are made using the 7672  
appropriation are exempt from section 3379.10 of the Revised Code, 7673  
the per cent for arts program." 7674

**Section 93.** That existing section 190 of Am. Sub. H.B. 215 of 7675  
the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 7676  
122nd General Assembly, is hereby repealed. 7677

**Section 94.** That Section 18 of Am. Sub. H.B. 650 of the 122nd 7678  
General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd 7679  
General Assembly, be amended to read as follows: 7680

"**Sec. 18.** (A) As used in this section: 7681

(1) "FY 1998 state aid" means the total amount of state money 7682  
received by a school district ~~in~~ for fiscal year 1998 as reported 7683  
on the Department of Education's form "SF-12," adjusted as 7684  
follows: 7685

(a) Minus any amounts for approved preschool handicapped 7686  
units; 7687

(b) Minus any additional amount attributable to the 7688  
reappraisal guarantee of division (C) of section 3317.04 of the 7689  
Revised Code; 7690

(c) Plus the amount deducted for payments to an educational 7691  
service center; 7692

(d) Plus an estimated portion of the state money distributed 7693  
in fiscal year 1998 to other school districts or educational 7694  
service centers for approved units, other than preschool 7695  
handicapped or gifted education units, attributable to the costs 7696  
of providing services in those units to students entitled to 7697  
attend school in the district; 7698

(e) Minus an estimated portion of the state money distributed 7699  
to the school district in fiscal year 1998 for approved units, 7700  
other than preschool handicapped units or gifted education units, 7701  
attributable to the costs of providing services in those units to 7702  
students entitled to attend school in another school district; 7703  
7704

(f) Plus any additional amount paid pursuant to the 7705  
vocational education recomputation required by former Section 7706  
50.22 of Am. Sub. H.B. No. 215 of the 122nd General Assembly; 7707

(g) Plus any additional amount paid pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code; 7708  
7709  
7710

(h) Plus any amount paid for equity aid under section 3317.0213 of the Revised Code; 7711  
7712

(i) Plus any amount received for that year pursuant to section 3317.027 of the Revised Code; 7713  
7714

(j) Plus any amount received for that year pursuant to a recomputation made under division (B) of section 3317.022 Of the Revised Code. 7715  
7716  
7717

(2) "FY 1999 state aid," "FY 2000 state aid," "FY 2001 state aid," and "FY 2002 state aid" mean the total amount of state money a school district is eligible to receive for the applicable fiscal year under divisions (A), (B), (C)(1), and (D) of section 3317.022 and sections 3317.025 ~~to 3317.028~~, 3317.027, 3317.029, 3317.0212, and 3317.0213 of the Revised Code, plus any amount for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G) and (P) of section ~~3317.024~~ 3317.024, and division (B) of section 3317.162 of the Revised Code, and prior to any deductions or credits required by division (B), (D), (E), (F), (G), (H), (I), (J), or (K) of section 3317.023 or division (J) of section 3317.029 of the Revised Code. 7718  
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(3) "FY 1999 actual aid," "FY 2000 actual aid," "FY 2001 actual aid," and "FY 2002 actual aid" means the amount of the state aid described in division (A)(2) of this section that was actually paid to a school district in the applicable fiscal year after the application of divisions (B) to (E) of this section. 7730  
7731  
7732  
7733  
7734

(4) "FY 1998 ADM," "formula ADM," and "three-year average formula ADM" have the meanings prescribed in section 3317.02 of the Revised Code. 7735  
7736  
7737

(5) "All-day kindergarten" has the meaning prescribed in 7738  
section 3317.029 of the Revised Code. 7739

(B) In fiscal year 1999, notwithstanding any provision of law 7740  
to the contrary, no school district shall receive FY 1999 state 7741  
aid that is more than the greater of the following: 7742

(1) 110 per cent of FY 1998 state aid; 7743

(2)  $[1.06 \times (\text{FY 1998 state aid}/\text{FY 1998 ADM})]$  X the greater of 7744  
fiscal year 1999 formula ADM or three-year average formula ADM. 7745

If a district's projected FY 1999 state aid is more than the 7746  
greater of division (B)(1) or (2) of this section, such district 7747  
shall receive only the greater of division (B)(1) or (2) of this 7748  
section in fiscal year 1999. 7749

(C) In fiscal year 2000, notwithstanding any provision of law 7750  
to the contrary, no school district shall receive FY 2000 state 7751  
aid that is more than the greater of the following: 7752

(1) 110 per cent of FY 1999 actual aid; 7753

(2)  $[1.06 \times (\text{FY 1999 actual aid}/\text{fiscal year 1999 formula}$  7754  
 $\text{ADM})]$  X the greater of fiscal year 2000 formula ADM or three-year 7755  
average formula ADM. 7756

If a district's projected FY 2000 state aid is more than the 7757  
greater of division (C)(1) or (2) of this section, such district 7758  
shall receive only the greater of division (C)(1) or (2) of this 7759  
section in fiscal year 2000. 7760

(D) In fiscal year 2001, notwithstanding any provision of law 7761  
to the contrary, no school district shall receive FY 2001 state 7762  
aid that is more than the greater of the following: 7763

(1) 110 per cent of FY 2000 actual aid; 7764

(2)  $[1.06 \times (\text{FY 2000 actual aid}/\text{fiscal year 2000 formula}$  7765  
 $\text{ADM})]$  X the greater of fiscal year 2001 formula ADM or three-year 7766

average formula ADM. 7767

If a district's projected FY 2001 state aid is more than the 7768  
greater of division (D)(1) or (2) of this section, such district 7769  
shall receive only the greater of division (D)(1) or (2) of this 7770  
section in fiscal year 2001. 7771

(E) In fiscal year 2002, notwithstanding any provision of law 7772  
to the contrary, no school district shall receive FY 2002 state 7773  
aid that is more than the greater of the following: 7774

(1) 110 per cent of FY 2001 actual aid; 7775

(2) [1.06 X (FY 2001 actual aid/fiscal year 2001 formula 7776  
ADM)] X the greater of fiscal year 2002 formula ADM or three-year 7777  
average formula ADM. 7778

If a district's projected FY 2002 state aid is more than the 7779  
greater of division (E)(1) or (2) of this section, such district 7780  
shall receive only the greater of division (E)(1) or (2) of this 7781  
section in fiscal year 2002. 7782

(F) This division and division (G) of this section apply only 7783  
to districts subject to division (F) of section 3317.029 of the 7784  
Revised Code. As used in this division and division (G) of this 7785  
section: 7786

(1) "Capped district" means a district that pursuant to 7787  
division (B), (C), (D), or (E) of this section will not receive 7788  
the full amount of FY 1999, FY 2000, FY 2001, or FY 2002 state 7789  
aid. 7790

(2) "DPIA funds" means: 7791

(a) In FY 1998, the amount calculated for the district 7792  
pursuant to division (B) of section 3317.023 of the Revised Code 7793  
as it existed in that fiscal year; 7794

(b) In any fiscal year after FY 1998, the total amount 7795  
calculated for the district for that fiscal year pursuant to 7796

section 3317.029 of the Revised Code. 7797

(3) "Exempt DPIA portion" means: 7798

(a) In the case of any district other than a capped district,  
an amount equal to zero; 7799  
7800

(b) In the case of a capped district, the amount resulting  
from the application of the following formula: 7801  
7802

(The district's DPIA funds for the year of the calculation minus  
the district's DPIA funds for FY 1998) minus (the district's  
actual aid for the year of the calculation minus the district's FY  
~~98~~ 1998 state aid) 7803  
7804  
7805  
7806

However, if this formula produces a negative number, the  
district's exempt DPIA portion is zero. 7807  
7808

(4) "Required all-day kindergarten" for a district means the  
provision of all-day kindergarten to the number of students in the  
district's kindergarten percentage specified pursuant to division  
(H)(1) of section 3317.029 of the Revised Code. 7809  
7810  
7811  
7812

(G) Notwithstanding any provision of law to the contrary: 7813

(1) In the case of any district, the district's DPIA funds  
are hereby deemed to first consist of any disadvantaged pupil  
impact aid calculated for the district for all-day kindergarten  
under division (D) of section 3317.029 of the Revised Code, and to  
next consist of any disadvantaged pupil impact aid calculated for  
the district under divisions (C) and (E) of section 3317.029 of  
the Revised Code. Each district shall expend whatever funds  
necessary to ensure provision of its required all-day  
kindergarten. 7814  
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(2) In FY 1999, a district shall expend for the purposes of  
section 3317.029 of the Revised Code an amount equal to at least  
twenty-five per cent of the resultant derived from subtracting the  
district's exempt DPIA portion from the amount calculated for the  
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district under divisions (C) and (E) of section 3317.029 of the Revised Code. 7827  
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(3) In FY 2000, a district shall expend for the purposes of section 3317.029 of the Revised Code an amount equal to at least fifty per cent of the resultant derived from subtracting the district's exempt DPIA portion from the amount calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code. 7829  
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(4) In FY 2001, a district shall expend for the purposes of section 3317.029 of the Revised Code an amount equal to at least seventy-five per cent of the resultant derived from subtracting the district's exempt DPIA portion from the amount calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code. 7835  
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(5) In FY 2002 and thereafter, a district shall expend one hundred per cent of its DPIA funds for the purposes of section 3317.029 of the Revised Code. 7841  
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(6) Districts shall comply with the requirements of division (G) of section 3317.029 of the Revised Code." 7844  
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**Section 95.** That existing Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly, is hereby repealed. 7846  
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**Section 96.** That Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly be amended to read as follows: 7849  
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"**Sec. 19.** There is hereby established a pupil transportation pilot project to demonstrate innovative, efficient, and cost-reducing cooperative methods of transporting pupils on a countywide basis. The Superintendent of Public Instruction shall receive proposals from educational service centers and shall 7851  
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approve two locations for the pupil transportation pilot project. 7856  
One location shall be an educational service center with a 7857  
majority of its territory included in the same county as a big 7858  
eight school district; the other location shall be an educational 7859  
service center serving three or more school districts in a small, 7860  
rural county. The Superintendent of Public Instruction shall 7861  
select an educational service center to participate only if a 7862  
majority of the superintendents of the school districts receiving 7863  
services from the educational service center agree to participate 7864  
in the project and only if the participating school districts are 7865  
contiguous. 7866

Under the supervision of the educational service center, the 7867  
superintendents of the participating school districts shall 7868  
cooperatively develop a plan for the transportation of pupils by 7869  
the most efficient method designed to effect savings in the 7870  
aggregate transportation costs of all the participating school 7871  
districts. The plan may propose the cooperative operation of the 7872  
equipment and use of the personnel of any participating school 7873  
district and other agreed to alternative methods of transporting 7874  
pupils designed to achieve efficiency. Provided however, that 7875  
every pupil entitled under Chapter 3327. or section 3313.97, 7876  
3313.981, or 3314.09 of the Revised Code or Section 50.52.11 of 7877  
Am. Sub. H. B. 215 of the 122nd General Assembly to receive 7878  
transportation shall continue to be transported, and provided that 7879  
parents, guardians, or other persons eligible for payment or 7880  
reimbursement under section 3327.01 Of the Revised Code remain 7881  
eligible for that payment or reimbursement. 7882

The Legislative Office of Education Oversight shall monitor 7883  
the implementation of the pilot project to determine whether the 7884  
programs suggest innovative, effective cooperative ways to deal 7885  
with the transportation of pupils that may be applicable beyond 7886  
the pilot project locations. 7887

As used in this section, "big eight school district" has the same meaning as in section 3314.02 of the Revised Code.

**Section 97.** That existing Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly is hereby repealed.

**Section 98.** That Sections 7, 10, 11, 21.12, 25, and 30.21 of Am. Sub. S.B. 230 of the 122nd General Assembly be amended to read as follows:

**"Sec. 7.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Reappropriations

CAP-773	Governor's Residence Restoration	\$	4,705	7897
CAP-785	Rural Areas Historical Projects	\$	50,000	7898
CAP-786	Rural Areas Community Improvements	\$	<del>1,768,690</del>	7899
			<u>2,268,690</u>	7900
CAP-804	Day Care Centers	\$	842,261	7901
CAP-817	Urban Areas Community Improvements	\$	2,020,000	7902
Total Department of Administrative Services		\$	<del>4,685,656</del>	7903
			<u>5,185,656</u>	7904

Rural Areas Historical Projects 7905

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, a \$50,000 grant shall be made for the Osnaburg Historical Society-Werner Inn renovations.

Rural Areas Community Improvements 7909

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects: \$25,000 for the Belpre swimming pool project; \$10,000 for Shadyside Municipal Building roof repairs; \$250,000 for Belmont County industrial park development; \$100,000 for Coshocton Courthouse renovations; \$20,000 for the Smith Field Memorial Foundation; \$50,000 for Morgan County economic development;

\$100,000 for the Zanesville Bicentennial Celebration; \$113,690 to 7917  
the Ashtabula County Commissioners for the Northeast 4-H Camp to 7918  
make water and sewage improvements; \$500,000 for 4-H Camp Palmer 7919  
in Fulton County; \$100,000 for Morgan County infrastructure; ~~and~~ 7920  
\$500,000 for the Medina County Arts Center; and \$500,000 for Ritz 7921  
Theatre renovations. 7922

The amount reappropriated for the foregoing appropriation 7923  
item CAP-786, Rural Areas Community Improvements, shall be 7924  
\$500,000 plus the unencumbered and unallotted balance as of June 7925  
30, 1998, in appropriation item CAP-786, Rurual Areas Community 7926  
Improvements. 7927

Urban Areas Community Improvements 7928

From the foregoing appropriation item CAP-817, Urban Areas 7929  
Community Improvements, grants shall be made for the following 7930  
projects: \$750,000 for Lincoln Heights Health Center; \$100,000 for 7931  
Maumee Youth Center; \$200,000 for the birthplace of William Howard 7932  
Taft in Cincinnati; \$150,000 for the Freedom House in Cleveland; 7933  
\$95,000 for the Copley Township recreation project in Summit 7934  
County; \$100,000 for Aviation Trail - Dayton; \$125,000 for 7935  
Cleveland Playhouse Square; \$25,000 for Columbus Civic Arena 7936  
development planning; \$50,000 for the Columbus Symphony band 7937  
shell; \$125,000 for East Cleveland City Hall renovations; \$100,000 7938  
for Hanna Fountain renovations - Cleveland; \$100,000 for Webco 7939  
industrial area development - Cleveland; and \$100,000 for Martin 7940  
Luther King Civic Center - East Cleveland. 7941

Sec 10. DNR DEPARTMENT OF NATURAL RESOURCES 7942

CAP-012	Land Acquisition	\$	1,000,000	7943
CAP-162	Roosevelt-Shawnee State Park	\$	18,930	7944
CAP-701	Buckeye Lake Dam Rehabilitation	\$	2,497	7945
CAP-702	Upgrade Underground Fuel Tanks	\$	335,031	7946
CAP-703	Cap Abandoned Water Wells	\$	357,481	7947

CAP-704	Replace Transformers	\$	77,738	7948
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	21,379	7949
CAP-738	Middletown Dam	\$	87,272	7950
CAP-742	Fountain Square Building/Telephone System	\$	53,748	7951
CAP-823	Cost Sharing-Pollution Abatement	\$	43,485	7952
CAP-847	Assistance to Local Governments for Conservation Works of Improvement	\$	591,503	7953
CAP-848	Hazardous Dam Repair	\$	91,521	7954
CAP-875	Ohio River Access	\$	100,000	7955
CAP-876	Statewide Trails Programs	\$	<del>45,000</del>	7956
			<u>100,000</u>	7957
CAP-929	Hazardous Waste/Asbestos Abatement	\$	1,292,626	7958
CAP-931	Wastewater/Water Systems Upgrades	\$	49,858	7959
CAP-932	Wetlands/Waterfront Development and Acquisition	\$	849,775	7960
CAP-942	Local Parks Projects	\$	55,225	7961
CAP-969	Frost-Parker Wetlands Reserve	\$	122,925	7962
CAP-999	Geographic Information Management System	\$	3,293	7963
Total Department of Natural Resources		\$	<del>5,199,287</del>	7964
			<u>5,254,287</u>	7965

Land Acquisition 7966

The amount reappropriated from the foregoing appropriation 7967  
item CAP-012, Land Acquisition, shall be \$1,000,000. 7968

Statewide Trails Programs 7969

The amount appropriated for the foregoing appropriation item 7970  
CAP-876, Statewide Trails Programs, shall be ~~\$45,000~~ 100,000, 7971  
which shall be used ~~for the Cincinnati West Side Bike Trail~~ by the 7972  
Department of Natural Resources in consultation with the 7973  
Department of Transportation for a recreational trail feasibility 7974  
study. 7975

Local Parks Projects 7976

Of the foregoing appropriation item CAP-942, Local Parks 7977  
Projects, grants shall be made for the following projects: \$25,000 7978  
for River Access Park Development - Belpre; \$100,000 for Marietta 7979  
Recreation Improvements; \$15,000 for Urbancrest Martin Luther King 7980  
Park improvements, and \$10,000 for Woodsfield Monroe Park 7981  
improvements. 7982

Hazardous Waste/Asbestos Abatement 7983

The amount reappropriated for the foregoing appropriation 7984  
item CAP-929, Hazardous Waste/Asbestos Abatement, shall be 7985  
\$1,000,000 less than the unencumbered and unallotted balance of 7986  
June 30, 1998, in appropriation item CAP-929, Hazardous 7987  
Waste/Asbestos Abatement. 7988

**Sec. 11.** DOT DEPARTMENT OF TRANSPORTATION 7989

CAP-007	Muskingum County Intermodal Facility	\$	700,000	7990
	Total Department of Transportation	\$	700,000	7991
	Total General Revenue Fund	\$	<del>10,851,009</del>	7992
			<u>11,351,009</u>	7993

**Sec. 21.12.** DNR DEPARTMENT OF NATURAL RESOURCES 7994

CAP-741	<del>High Band Radio System</del>	\$	<del>285,000</del>	7995
	<u>DNR Communications System</u>		<u>3,335,000</u>	7996
CAP-742	Fountain Square Building and Telephone System Improvements	\$	3,958,517	7997
CAP-744	<del>Multi Agency Radio Communication System (MARCS) Equipment</del>	\$	<del>3,050,000</del>	7998
CAP-867	Reclamation Facility Renovation and Development	\$	225,000	7999
CAP-928	Handicapped Accessibility	\$	39,654	8000
CAP-997	Zanesville/Marietta Nursery Improvements	\$	249,503	8001
	Total Department of Natural Resources	\$	7,807,674	8002

DNR Communications System 8003

The foregoing appropriation item CAP-741, DNR Communications System, shall be the sum of the unencumbered and unallotted balances as of June 30, 1998, in appropriation items CAP-741, High Band Radio System, and CAP-744, Multi-Agency Radio Communication System (MARCS) Equipment.

**Sec. 25.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

Reappropriations 8015

AFC ARTS FACILITIES COMMISSION 8016

CAP-001	National Aviation Hall of Fame	\$	5,000	8017
CAP-002	Great Southern Opera House	\$	5,000	8018
CAP-003	Center of Science and Industry - Toledo	\$	119,726	8019
CAP-004	Valentine Theatre	\$	12,817,694	8020
CAP-005	Center of Science and Industry - Columbus	\$	21,523,494	8021
CAP-010	Sandusky State Theater Improvements	\$	147,139	8022
CAP-013	Stambaugh Hall Improvements	\$	587,400	8023
CAP-014	Dayton Natural History/Children's Museum	\$	1,250,000	8024
CAP-015	Carillon Historic Park/Wright Hall	\$	200,000	8025
CAP-017	Zion Center of the National Afro-American Museum	\$	750,000	8026
CAP-022	National Afro-American Museum - Carnegie Library Renovations	\$	223,768	8027
CAP-023	National Afro-American Museum - Demolition of Shorter Hall	\$	240,000	8028
CAP-029	Cincinnati Riverfront Development	\$	333,332	8029
CAP-033	Woodward Opera House Renovation	\$	300,000	8030
<del>CAP-036</del>	<del>Ritz Theatre Renovations</del>	<del>\$</del>	<del>500,000</del>	8031

CAP-037	Canton Palace - Theatre Renovations	\$	38,700	8032
CAP-734	Hayes Presidential Center	\$	285,000	8033
CAP-742	Ft. Meigs Museum	\$	800,000	8034
CAP-745	Historic Sites and Museums	\$	106,500	8035
CAP-772	Ft. Hill Building, Site, and Exhibit Improvements	\$	175,100	8036
CAP-776	Flint Ridge Building, Site, and Exhibit Improvements	\$	275,100	8037
CAP-785	Ohio Village Building Renovations and Improvements	\$	500,200	8038
CAP-786	Piqua/Ft. Pickawillany Acquisition and Improvements	\$	802,948	8039
Total Arts Facilities Commission		\$	<del>41,986,101</del>	8040
			<u>41,486,101</u>	8041
Total Arts Facilities Building Fund		\$	<del>41,986,101</del>	8042
			<u>41,486,101</u>	8043
<b>Sec. 30.21. CLS CLEVELAND STATE UNIVERSITY</b>				8044
CAP-007	Stilwell Hall	\$	73,567	8045
CAP-017	Land Acquisition	\$	252,085	8046
CAP-023	Basic Renovations	\$	3,115,544	8047
CAP-044	Chester Building Rehabilitation	\$	1,656,902	8048
CAP-067	17th-18th Street Block	\$	3,409,115	8049
CAP-068	Main Classroom - Rhodes Tower Link	\$	15,058	8050
CAP-073	Cleveland Playhouse	\$	<del>500,000</del>	8051
			<u>1,000,000</u>	8052
CAP-081	Computer Center Cooling Tower	\$	25,873	8053
CAP-084	Neighborhood Centers Renovation	\$	500	8054
CAP-088	Asbestos	\$	3,312,676	8055
CAP-092	Handicapped Requirements	\$	279,230	8056
CAP-094	AMC Roofing/Law Building Steps	\$	2,757	8057
CAP-098	Rhodes Tower Electrical Substation	\$	455,302	8058
CAP-099	Main Classroom Plaza Conversion	\$	2,333,000	8059
CAP-100	Special Studies Space Conversion	\$	673,000	8060

CAP-101	Classroom Building Renovations	\$	50,000	8061
CAP-103	WCPN Radio Renovations	\$	3,750	8062
CAP-104	ADA Modifications	\$	805,963	8063
CAP-105	Basic Science Chiller	\$	2,359	8064
CAP-106	Sidewalk Seating Replacement	\$	7,187	8065
CAP-108	Chester Duct Bank	\$	6,347	8066
CAP-109	Classroom Upgrade	\$	1,937,320	8067
CAP-110	Technology Infrastructure	\$	187,106	8068
<del>CAP-111</del>	<del>Intermuseum Laboratory</del>	<del>\$</del>	<del>500,000</del>	8069
CAP-112	Land Acquisitions	\$	2,000,000	8070
CAP-113	Biomedical Research	\$	1,000,000	8071
CAP-114	Geographic Information Systems	\$	292,418	8072
CAP-115	Plant Services Building	\$	43,988	8073
Total Cleveland State University		\$	22,941,047	8074

Cleveland Playhouse 8075

The amount reappropriated for the foregoing appropriation 8076

item CAP-073, Cleveland Playhouse, shall be \$1,000,000." 8077

**Section 99.** That existing Sections 7, 10, 11, 21.12, 25, and 8078  
30.21 of Am. Sub. S.B. 230 of the 122nd General Assembly are 8079  
hereby repealed. 8080

**Section 100.** That Section 140 of Am. Sub. H.B. 215 of the 8081  
122nd General Assembly is hereby repealed. 8082

**Section 101.** If any item of law that constitutes the whole or 8083  
part of a codified or uncodified section of law contained in this 8084  
act, or if any application of any item of law that constitutes the 8085  
whole or part of a codified or uncodified section of law contained 8086  
in this act, is held invalid, the invalidity does not affect other 8087  
items of law or applications of items of law that can be given 8088  
effect without the invalid item of law or application. To this 8089  
end, the items of law of which the codified and uncodified 8090

sections contained in this act are composed, and their 8091  
applications, are independent and severable. 8092

**Section 102.** Except as otherwise specifically provided in 8093  
this act, the codified and uncodified sections of law and items 8094  
therein contained in this act are subject to the referendum. 8095  
Therefore, under Ohio Constitution, Article II, Section 1c and 8096  
section 1.471 of the Revised Code, the codified and uncodified 8097  
sections of law and items therein contained in this act, except as 8098  
otherwise specifically provided in this act, take effect on the 8099  
ninety-first day after this act is filed with the Secretary of 8100  
State. If, however, a referendum petition is filed against any 8101  
such section or item therein, the section or item, unless rejected 8102  
at the referendum, takes effect at the earliest time permitted by 8103  
law. 8104

**Section 103.** Section 127.16 of the Revised Code is presented 8105  
in this act as a composite of the section as amended by both Am. 8106  
Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, 8107  
with the new language of neither of the acts shown in capital 8108  
letters. This is in recognition of the principle stated in 8109  
division (B) of section 1.52 of the Revised Code that such 8110  
amendments are to be harmonized where not substantively 8111  
irreconcilable and constitutes a legislative finding that such is 8112  
the resulting version in effect prior to the effective date of 8113  
this act. 8114

**Section 104.** Section 3345.50 of the Revised Code is presented 8115  
in this act as a composite of the section as amended by both Am. 8116  
H.B. 748 and Am. Sub. S.B. 264 of the 121st General Assembly, with 8117  
the new language of neither of the acts shown in capital letters. 8118  
This is in recognition of the principle stated in division (B) of 8119  
section 1.52 of the Revised Code that such amendments are to be 8120

harmonized where not substantively irreconcilable and constitutes	8121
a legislative finding that such is the resulting version in effect	8122
prior to the effective date of this act.	8123
	8124